

2024:PHHC:071448



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRWP-4068-2024 (O&M)
Date of decision : 21.05.02024

Balbir Kaur ...Petitioner

Versus

State Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking issuance of direction to respondent Nos. 2 to 4 to protect the life and liberty of herself as well as her minor maternal grand-daughter (prosecutrix) and to take legal action against the persons arrayed as accused in FIR No. 71 dated 04.03.2024, registered under Sections 354-A, 506 of IPC and Sections 9 and 10 of the POCSO Act, 2012 (Section 376 of IPC and Sections 3, 4, 5, 6, 7, 8 of POCSO Act added later on) at Police Station City Kapurthala, District Kapurthala.
2. Upon notice, status report by way of the affidavit of Senior Superintendent of Police, Kapurthala has been filed today in Court, as per which, after registration of the FIR, sincere efforts have been made to arrest the accused Avtar Tari and Dr. Rajinder but they are evading the arrest and

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could not be arrested so far. Their call details had also been obtained but their mobile phones were found to be switched off. Thereafter, challan under Section 173 of Cr.P.C. was presented and arrest warrants have been obtained by the Investigating Officer against the accused for 03.08.2024. It is further stated that continuous and sincere efforts are being made to arrest the accused persons. With regard to threat perception to the petitioner and the minor prosecutrix, it is submitted that the matter was analyzed by the police but no threat perception was found qua them.

3. In view of the submissions made in the aforesaid status report, learned counsel for the petitioner submits that this petition may be disposed of at this stage by issuing a direction to the official respondents to protect the life and liberty of herself and the minor prosecutrix.

4. In view of the limited prayer made by the petitioner as well as the submissions made in the status report, the present petition is disposed of. However, in case the petitioner feels any manifest threat to the life and liberty of herself as well as the minor prosecutrix, she will be at liberty to approach respondent No. 4-SHO, Police Station Urban Estate, Kapurthala, who will take necessary action in that regard, in accordance with law.

21.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No