



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5189-2024 (O&M)
Date of order: 02.07.2024

Kajal & another
... Petitioner(s)
Versus
State of Haryana & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Yavneet Dhakla, Advocate
for the petitioner(s).
Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

Apprehending threat to their lives and liberty at the hands of the private respondents, the petitioners have come up before this Court seeking protection through the State, by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order, this Court proposes to pass, neither the response of official respondents is required nor exists any requirement to issue notices to the private respondents.
3. As per memo of parties, petitioner No.2 is stated to be major. However, petitioner No.1 is a minor girl.
4. If the allegations of apprehension of threat to their lives turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioner no.2 for one week from today. However, if the petitioner No.2 no longer requires the protection, then it may be



discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner No.2. There could be irrevocable loss if the claims that they felt threatened with death are confirmed. Following that, the concerned officers will continue to provide protection based on their daily analysis of the situation on the ground or in response to the petitioner No.2's written or verbal request.

5. This protection is subject to the stringent condition that from the time such protection is given, the petitioner no.2 shall refrain from attending parties, bars, picnics or any area that may pose a risk to their life. The SHO should send police officer(s) to petitioners' home to assess the required level of security. Once assessment is done, the officer should provide adequate security without the petitioners having to contact them.

6. It is clarified that if the petitioner no.2 visits any disputed place and the security officer becomes aware of it, they should advise the petitioner to avoid going there. If the petitioner still insist on going, the officer has the right to return to the police station due to petitioners' defiance of the order.

7. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the petitioners is required in any cognizable case. It shall also be open for the petitioner(s) to approach this Court again in case of any fresh threat perception.

8. Learned counsel for the petitioners to direct the petitioners to attend the phone call(s) of the Investigator. As far as the petitioner No.1 is concerned, being a minor girl as soon as the Investigator contacts her, he shall produce her to the nearest Judicial Magistrate and in case the time is not suitable immediately before a Child Protection Home and after that produce her before the concerned Judicial Magistrate. The concerned Judicial Magistrate shall interact with her and it is the concerned Magistrate's discretion whether to record her statement under Section 164 Cr.P.C or to proceed without that.

9. Learned Judicial Magistrate will either send the minor to Child Protection Home or to her parents as per the result of the interaction with her in accordance with law.



The identity of the place where petitioners are staying shall not be revealed to the private respondents.

10. ***It is made clear that the minor petitioner’s custody shall NOT be handed over the adult petitioner.*** It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR for the petitioners. It is further clarified that this order shall not come in the way if the interrogation of petitioner(s) is required in any cognizable case. It shall also be open for petitioner(s) to approach this Court again in case of any fresh threat perception.

11. ***This order shall eclipse after fifteen days from today.***

12. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

July 02, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No