

2024:PHHC:088421



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP-6443-2024
DECIDED ON: 16.07.2024**

SIMRAN KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hakam Singh, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Sanjeev K. Virk, Advocate
for respondent No.4.

SANDEEP MOUDGIL, J

1. This petition has been preferred invoking the jurisdiction of this Court seeking a direction to the official respondents to protect the life and liberty of the petitioner namely Simran Kaur (Minor) by providing police protection with further direction to the private respondents No. 4 to 9 not to harass and insist her to marry of their choice despite she is minor.
2. It is worth noticing here that respondent No.4 -Avtar Singh is father whereas respondent No.5-Amandeep Kaur is her mother, three brothers of uncle of the petitioner namely Gurvinder Singh @ Sunny, Gurdit Singh, Krishan Singh along-with wife of Gurvinder Singh @ Sunny, have also been arrayed as respondents No.6 to 9 from whom the petitioners are alleging danger to their life.

3. Simran Kaur, who is minor, as per Aadhar card annexed as (Annexure P-1) has preferred the present petition through her next friend namely Manjot Singh, alleging that she is facing harassment by her parents and relatives i.e. private respondents No.4 to 9

4. It has been contended on behalf of the petitioners that respondents No.4 to 9 are pressurizing and forcing her to perform marriage with a boy of their own choice without giving any weight to her choice and wishes. It is on account of her refusal to marry as per respondents wishes as well as beatings given by private respondents, as has been asserted by Mr. Hakam Singh, learned Advocate, she finally ran out of her parental house and sought help from Manjot, who agreed to provide shelter. It is in such a circumstance facing eminent danger to life and liberty of petitioners, a representation was made to the Senior Superintendent of Police, Kapurthala on 04.07.2024 itself, a copy of which is available on record as Annexure P-2 alleging that respondents No.1 to 3 have not taken any action on the said representation, the present petition has been registered before this Court raising the question that whether official respondents are duty bound to protect the life and liberty of the petitioners and whether petitioners can be deprived of their fundamental rights as envisaged under Article 21 of the Constitution of India.

5. Respondents No.4 to 9, who is present in Court have denied the fact of alleged beating given or pressure of marriage to their daughter rather pleaded having utmost love and affection for her.

6. Heard learned counsel for the parties.

7. This Court being conscious and concerned about the safety of minor Simran Kaur, who is just 17 years of age, sent her to Ashiana, Sector 15, Chandigarh vide order dated 11.07.2024.

8. During the course of hearing, this Court got suspicious about the credential of Manjot Singh, who is stated to be drug addict and was apprehensive about the safety of minor Simran Kaur, this Court directed the respondent-State to get him medically examined and a report in that regard was called for today.

9. In compliance of the afore-said direction, learned State counsel has filed an affidavit of Dr. Sandeep Kumar Garg, IPS, Senior Superintendent of Police, SAS Nagar, along-with medical report of Manjot Singh (alleged to be the next friend of Simran Kaur-minor). Relevant extract of the afore-said affidavit reads as under:-

“4. That in compliance there of, the DSP, City-1, District SAS Nagar submitted his report before the deponent with the following facts: -

I That in compliance with the order dated 11.07.2024 passed by this Hon'ble Court, Manjot Singh was taken for a drug test to the Senior Medical Officer (SMO) at Civil Hospital, Phase-6, Mohali where in his drug test was conducted on 11.07.2024.

II. That after conducting the drug test, the SMO, Civil Hospital, Phase-6, Mohali submitted his report dated 11.07.2024 with the finding that the result tested positive for "Tetrahydrocannabinol" (THC). A true typed copy of the report dated 11.07.2024 is attached herewith as Annexure R- 1 for the kind consideration of this Hon'ble Court.

III. That thereafter, the custody of aforesaid Manjot Singh was handed over to ASI Kulwinder Singh, P.S. Kapurthala, District Kapurthala, in pursuance there to, DDR No.26 dated 11.07.2024 was recorded at the Police Station Phase-1, District SAS Nagar. A true translated copy of DDR No.26 dated 11.07.2024 is attached herewith as Annexure R-2/T for the kind consideration of this Hon'ble Court.”

10. Today, minor-Simran Kaur along with her counsel as well as respondents No.4 and 5 appeared in person in Court. Simran Kaur-petitioner happily consented to join her parents and went up to her father to pay regards and rather regretted for her wrongs. She has categorically asserted in the presence of her counsel that she does not want to stay in the company of Manjot Singh anymore and requested that she be permitted to go along with her parents from the Court itself.

11. Statement separately recorded of Simran Kaur-alleged to be the next friend of Manjot Singh, is reproduced hereinbelow:-

“It is stated that this criminal writ petition has been filed on my behalf through next friend but now I wish to go with my parents, as they have assured me, to take care of me. The statement made above is without coercion. I wish to go back on my own free will.”

12. At the same time, statements of respondent No.4-Avtar Singh and respondent No.5-Amandeep Kaur (father and mother respectively of Simran Kaur) have also been recorded, which reads thus:-

Statement of Avtar Singh-respondent No.4.

“It is stated that I came to High Court along-with my wife and want to take my daughter namely Simran Kaur back with us. We will keep our daughter with love and affection and will not give any beatings to her. My son namely Jashanpreet Singh will also look after my daughter.”

Statement of Amandeep Kaur-respondent No.5

“It is stated that I came to High Court along-with my husband and we wish to take our daughter namely Simran Kaur back with us. We will keep our daughter with love and affection and will not give any beatings to her and will also take care of her future.”

13. Keeping in view the consent given by the minor Simran Kaur, she is allowed to go with her parents, who is present in Court on assurance given by them

that they will not extend beatings or pressurize her to marry of the boy of their own choice till she attains majority.

14. In the aforesaid terms, nothing survives in the present petition wherein the minor Simran Kaur denied the fact of any threat at the hands of respondents No.4 to 9 and has rejoined the company of her parents, no direction is required as the essence of threat to life and liberty under Article 21 of the Constitution of India is not existing at all, the same is disposed off as having been rendered infructuous.

16.07.2024

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>