



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6702-2024 (O&M)
Date of order: 17.07.2024

Sarfina & another

... Petitioner(s)

Versus

State of Haryana & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sushil K. Sharma, Advocate
for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

Mr. Talim Hussain, Advocate
for respondent no.4.

ANOOP CHITKARA, J.

Apprehending threat to their lives and liberty at the hands of the private respondents, the petitioners, who claim to have married after attaining the permissible age for marriage, against the wishes of the private respondents, have come up before this Court by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India, seeking direction to the State to protect them from the private respondents.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

3. 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 petitioners for one week from today.



4. This protection is subject to the stringent condition that from the time such protection is given, the petitioners 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.

5. At this stage, counsel appearing for respondent no.4 claims that the age of petitioner no.1 is not 24 years; rather, she is a minor.

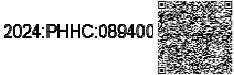
6. Given the statement made by respondent no.4, let the concerned SHO/investigator conduct an inquiry, either himself or by deputing any officer/official not below the rank of ASI, to find the age of petitioner no.1 and in case it is found that petitioner is a minor, she be produced before the nearest Judicial Magistrate and in case the time is not suitable immediately before a Child Protection Home and after that she shall be produced 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. In case, SHO/Investigator finds petitioner no.1 major in the inquiry, there is no need to proceed further.

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

8. 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 No.2 is required in any cognizable case. It shall also be open for petitioner No.2 to approach this Court again in case of any fresh threat perception.

9. **This order shall eclipse after thirty days from today.**

10. *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 17, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No