

2024.PHHC.096809



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-6912-2024
Date of decision: 30th July, 2024

Harbans Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lupil Gupta, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Kuldip Singh, Advocate for respondents No. 5 to 9.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed by the petitioners under Article 226 of the Constitution of India for directing the respondents No.2 to 4 to protect their lives and liberty at the hands of respondents No.5 to 9.
2. It is submitted by learned counsel for the petitioners that petitioner No.3 who is a minor is living in live-in-relationship with petitioner No.4. The petitioners No. 1 and 2 are parents of petitioner No.4. The respondents No. 5 to 7 who are parents and brother respectively of petitioner No. 3 and respondents No. 8 and 9 who are their relatives are extending threats to the petitioners. Apprehending danger to their lives and liberty, they sent representation dated 11.07.2024 (Annexure P-3) to the respondent No.2

but the same has not been taken into consideration and hence, the present petition.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, Sr. DAG, Punjab, accepts notice on behalf of respondents No.1 to 3, at this stage. The petitioners' counsel is directed to supply the copy of the petition to him.

5. I have heard learned counsel for the petitioners as well as learned State counsel.

6. A Division Bench of this Court in ***LPA-769-2021 titled Ishrat Bano and another vs. State of Punjab and others***, decided on 03.09.2021 held as under:-

“The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case, a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. No person can be permitted or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take

appropriate steps in accordance with law to ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.”

7. In similar circumstances of persons who were minor and had approached this Court in view of freedom of choice regarding their marriage and seeking protection of life and liberty, the co-ordinate Benches of this Court in ***Jobanpreet Singh and another vs. State of Punjab and others, 2022 (3) RCR (Civil) 890; Khuspreet Singh and another vs. State of Punjab and others, 2022 (3) RCR (Civil) 988, Akash and another vs. State of Punjab and others, 2023 (3) RCR (Civil) 372, Vikram Kumar v. State of U.T. Chandigarh 2023(4) R.C.R.(Criminal) 812 and Manisha Being Minor v. State of Haryana 2024(2) Law Herald 1193*** had disposed of the said petitions by passing specific directions to the quarter concerned to look into the representation so addressed to him qua the threat perception only and take necessary steps to protect the life and liberty of the petitioners if any threat so found.

8. Without expressing any opinion on the merits of the matter, the present petition is disposed of with a direction to Senior Superintendent of

Police, Ferozepur (respondent No.2) to consider the aforesaid representation dated 11.07.2024 (Annexure P-3) given by the petitioners and in case there is any threat perception to the petitioners at the hands of private respondents, to act in accordance with law and if need be, to provide them interim protection. A copy of this order along with copy of Representation dated 11.07.2024 (Annexure P-3) be sent to respondent No.2, so as to enable him to do the needful expeditiously.

9. Further considering the aforesaid circumstances and the fact that petitioner No.3 is a minor and has approached the Court, it becomes incumbent upon the Court in its capacity as *parens patriae* to examine what is best in the interest of the minor and it is deemed appropriate to direct respondent No.2 to take all steps in the present case as per the directions given in ***Khuspreet Singh's case (supra)***.

10. The petitioners are directed to appear before the Senior Superintendent of Police, Ferozepur within a period of one week from the receipt of a copy of this order, failing which Respondent No.2 shall depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee within a period of one week thereafter. The Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015, shall send a compliance report to this Court.

11. Registry of this Court is directed to send a copy of this order along with the petition and annexures to the respondent No.2-Senior Superintendent of Police, Ferozepur, as well as to the concerned Child Welfare Committee of Amritsar, for necessary compliance.

12. A compliance report be furnished by the Child Welfare Committee to this Court within a period of two months from the receipt of a copy of this order.
13. It is made clear that this order shall not be taken to validate or protect the petitioners from legal action for violation of law, if any, committed by them.
14. The petition is disposed of.

[MANISHA BATRA]
JUDGE

30th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No