

CRWP-11515-2024
105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-11515-2024
Date of Decision:29.11.2024

Kritika (being minor through her friend) ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dheeraj Narula, Advocate
 for the petitioners.

Mr .Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

Apprehending threat to life and liberty at the hands of the private respondents, the petitioner, who is minor, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, has come up before this Court seeking protection through the State by filing the petition this Friday.

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 is stated to be minor girl (Name withheld).

4. Perusal of the file shows that petitioner has come up before this Court for protection on the ground that she wants to study and her parents want to perform her marriage.

5. 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 for one week from today. However, if the petitioner no longer require the protection, then at their request it may



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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.

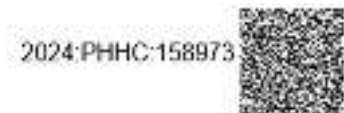
6. The protection is subject to the stringent condition that from the time such protection is given, the petitioner shall refrain from attending parties, bars, picnics or any area that may pose a risk to her life. The SHO should send police officer(s) to petitioner's home to assess the required level of security. Once the assessment is done, the officer should provide adequate security without the petitioner having to contact them.

7. It is clarified that if the petitioner 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 petitioner's defiance of the order.

8. Learned counsel for the petitioner to direct the petitioner to attend the phone call(s) of the Investigator. As the petitioner is 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 183 BNSS 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. It is clarified that if the petitioner wants to live in Child Protection Home, the Incharge of the concerned Child Protection Home, to ensure that studies are not affected and she is taken to the school regularly.

10. 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 petitioner. It is further clarified that this order shall not come in the way if the interrogation of petitioner is required in any cognizable case. It shall also be open for the petitioner to approach this Court again in case of any fresh threat perception.



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

12. Since this order shall eclipse after fifteen days, therefore, the concerned PSO shall also return back. After that, if the concerned Senior Superintendent of Police wants to provide any further security, he/she may provide at his/her own level and not based on the order of this Court.

13. *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

29.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.