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CRWP No.11802 of 2024
146 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.11802 of 2024
Date of Decision: 09.12.2024

Mansi and Another ...Petitioners

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarbjeet Singh, Advocate for the petitioners.

Ms. Swati Batra, DAG, Punjab.

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

Mr. Manish Bansal, P.P. U.T., Chandigarh with
Mr. Shubham Mangla, Advocate for the respondent-U.T., Chandigarh.

Mr. R.P.S. Jammu, Advocate for respondent No.5.

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.

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. Mr. R.P.S. Jammu, Advocate has filed *Vakalatnama* on behalf of respondent-Nirmal Devi (mother of petitioner No.1) in Court today which is taken on record and submits that petitioner no.2-Bikram Singh is having criminal history of multiple cases and the police is looking for him as he is fugitive, to arrest him in many cases.

4. Although both the petitioners are adults and seek protection of their life and liberty but the difficulty is for petitioner No.2-Bikram Singh who is stated to have been involved in many cases.

5. Given this background, counsel for the petitioners submits that he is not seeking protection for petitioner No.2-Bikram Singh and confines his prayer for protection only qua petitioner No.1-Mansi and withdraw the petition *qua* him.

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6. Counsel for the parties submit that State of Haryana is necessary party and now petitioners are visiting Chandigarh also. If the Court extends protection to petitioner No.1, in that case both the States are necessary party.

7. Given above, State of Haryana as well as State of U.T. are added as party-respondent Nos.8 & 9, respectively. Counsel on behalf of respondents-State of Haryana & U.T., Chandigarh submits that in case petitioner No.2 is required in cognizable and non bailable offences, it would be better for petitioner No.2 to surrender and otherwise they are under obligation to arrest him if they received any information qua him. He submits that the moment this Court grants protection and the police becomes aware of his whereabouts, they will arrest him.

8. Counsel for State of Punjab also made similar submissions.

9. Respondent No. 5, the mother of petitioner No.1-Mansi, is present in Court and wants to meet her daughter. Respondent No.5 undertakes not to cause any harm to petitioner No.1-Mansi, who is an adult and has all the rights to live whatever way she wants to.

10. 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.1 for two weeks from today. However, if the petitioner No.1 no longer requires the protection, then at her request it may be discontinued even before the expiry of two weeks. 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 petitioners.

11. This protection is subject to the stringent condition that from the time such protection is given, petitioner no.1 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 petitioners having to contact them.

12. It is clarified that if the petitioner no.1 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 insists on going, the officer has the right to return to the police station due to petitioners' defiance of the order.

13. 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

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interrogation of the 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. It is clarified that this protection shall not be construed as protection from arrest or from investigation in any other cases.

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

15. In the entirety of facts and circumstances given the request of respondent No.5, the concerned SHO to arrange a meeting of petitioner no.1 with respondent No.5 (the mother of petitioner No.1) on 10.12.2024 in a nearby temple falling within the jurisdiction of Police Station Rani Majra, SAS Nagar, Mohali and petitioner No.2-Bikram Singh is not permitted to accompany petitioner No.1-Mansi, during her meeting with her mother-respondent No.5 and concerned SHO shall depute two female Officers for meeting who shall allow meeting only after due frisking. In case of any clarification regarding the place of meeting, respondent No.5 shall be at liberty to contact through her counsel to the State counsel concerned who will pass appropriate instructions to the concerned police station to arrange her meeting with her daughter. Further, in case, the petitioners move to State of Haryana or U.T. Chandigarh, necessary instructions can be sought by respondent No.5 through counsel representing the State. State counsel shall instruct the concerned SHO where the petitioner No.1 wants to meet her mother for necessary arrangement of meeting and protection.

16. Since this order shall eclipse after fifteen days, therefore, the concerned security personnel 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.

17. *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

09.12.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.