



CRM-M-11614-2017 (O&M)

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

**CRM-M-11614-2017 (O&M)
Decided on: 17.07.2025**

Harbans Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Bhinder, Advocate,
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

ANOOP CHITKARA, J.

1. Seeking initiation of action under 340 CrPC against respondents No.4 to 6, the petitioner had come up before this Court by filing the present petition under Section 340 CrPC.
2. On 16.07.2025, the petitioner was unrepresented and, therefore, this Court appointed Mr. Arshpreet Khadial, Advocate as legal aid counsel to represent the petitioner.
3. Today, Mr. J.S. Bhinder, Advocate puts in appearance on behalf of the petitioner. Accordingly, Mr. Arshpreet Khadial, Advocate, Legal Aid Counsel is discharged.
4. The petitioner claims that he had solemnized marriage with respondent No.4 as per Sikh Rites and rituals. From their wedlock, two children were born. The petitioner has annexed Aadhar card of respondent No.4 to demonstrate that she is his wife and also Aadhar cards of children to show that they are the children of couple. Aadhar Cards have been annexed as Annexure P-1 to P-3. In September, 2016, respondent No.4 ran away with respondent No.5 and on this, the present petitioner had filed an application before the Senior Superintendent of Police, Sangrur for appropriate action against respondent No.5 namely Gulab Singh and his family members.
5. After that, the parties had compromised the matter in the police station and respondent No.4 returned to petitioner and they were living peacefully.
6. On 12.01.2017, respondent No.4 again ran away with respondent No.5. On this, petitioner again moved an application (Annexure P-4) before the concerned SHO to take action. The petitioner also claims that respondent No.6, who is a Home Guard, has good acquaintance with respondent No.5.



7. Respondents No.4 and 5 had filed a petition bearing CRM-M-32839-2016 before this Court seeking protection. Vide order dated 16.09.2016 (Annexure P-5), co-ordinate Bench of this Court had disposed of the said petition by directing the Senior Superintendent of Police, Sangrur to decide their representation dated 12.09.2016 (Annexure P-4). In the said order, it was explicitly mentioned that the order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed as well as their age, as the Court was clearly deprived of any means to determine the aforesaid facts.

8. The petitioner's grievance is that at the time of filing of protection petition bearing CRM-M No.32839-2016, they had fabricated false documents, fake Aadhar Card and even changed the name of respondent No.4 to conceal her identity. Further, in para 9 of the said petition, it was mentioned that it was their first marriage and both of them were unmarried. He further submits that copy of the said protection petition (Annexure P-6) clearly demonstrates the mentioning of wrong facts. The petitioner's further claims that respondent No.4 also concealed her caste and gave a wrong affidavit even in this regard. The reasons for concealing her caste was that they showed themselves to be inter caste to get benefit of Rs.2 lakhs under the policy of Social Welfare, Punjab which is continued by Government of Punjab to promote inter caste marriages.

9. Feeling aggrieved, the petitioner wants this Court to initiate proceedings against respondents No.4 and 5 along with respondent No.6 for perjury for filing wrong affidavit.

10. There was no reason for the respondents' No. 4 and 5 to approach this Court unless there was some apprehension or threat to their lives. Needless to say, such concern could have been mistaken, false, or merely speculative; however, the instinct to protect someone's life is so strong that individuals would avoid taking any risk. Furthermore, it cannot be ruled out that incorrect legal advice is often given to runaway couples and individuals like these, which is a very real possibility given the large number of such petitions filed, not only in this court but also before the district courts.

11. The private respondent No.4 sought protection from this Court for her life, which is a fundamental right guaranteed under Article 21 of the Constitution of India. Even if the respondent had made some misrepresentation, still, the relief sought was so paramount, so foundational, and so sacrosanct that this Court does not deem it appropriate to proceed against such a person simply because she might have used some forged document for seeking protection of her life. The only issue at that time before this Court was to grant protection to them.

12. Self-preservation is the most fundamental human instinct. People go to great lengths to save their own lives and those of their families, friends, associates, and even strangers. Safeguarding life is at the core of India's Constitution, and if such protection is



CRM-M-11614-2017 (O&M)

denied, the foundation could collapse, and the core would implode.

13. Given the relief sought by respondent No.4 in the protection petition, being so sacrosanct to save his life, this Court does not deem it appropriate to interfere and launch a proceeding under 340 CrPC.

Petition dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

1707.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.