
(2023) 07 P&H CK 0048

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 7042 Of 2023

Gurjeet Singh And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 18-07-2023

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2023) 07 P&H CK 0048

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Himani, C.S. Rana, Shiva Khurmi

Final Decision : Allowed

Judgement

Anoop Chitkara, J

1. Fearing for their lives and liberty at the hands of the private respondents, the peoners, who claim to have married aer aaining 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 Arcle 21 of the Constuon of India, seeking direcon to the State to protect them.

2. Noces served upon the o?cial respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of o?cial respondents nor the issuance of nocess to the priva te respondents is required

3. If the allegaons of apprehension of threat to th eir 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 o?cer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protecon to the peon ers for one week from today.

However, if the peoners no longer require the protection, then at their request it may 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 peoners.

4. This protection is subject to the stringent condition that from the time such protection is given, the peoner shall not go outside the boundaries of the place of residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. However, peoner(s) shall be at liberty to shift the residence(s) and if the new place falls within the district, then the protection shall be extended to such place. This restriction saves the peoner from apprehended risk and ensures that the protection is not flaunted.

5. 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 interrogation of the peoners is required in any cognizable case. It shall also be open for the peoner(s) to approach this Court again in case of any fresh threat perception.

6. This order shall remain in force for fifteen days from today.

7. There would be no need for a certified copy of this order, and any Advocate for the Peoner 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.

Peon is allowed to the extent mentioned above. All pending applications, if any, stand disposed.