
(2023) 05 P&H CK 0061

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3644 Of 2023 (O&M)

Lalu Prasad And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 08-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164
Indian Penal Code, 1860 — Section 363, 366A

Citation : (2023) 05 P&H CK 0061

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Arshdeep, Luvinder Sofat, Nisha Rana

Final Decision : Disposed Of

Judgement

Gurvinder Singh Gill, J

1. The petitioners have approached this Court seeking issuance of directions for protection of their life and liberty as they apprehended threat to the same at the hands of the private respondents who were opposed to their 'live-in' relationship.
2. Status report by way of affidavit of Shri Avtar Singh, PPS, Deputy Superintendent of Police (Sub Division), Sri Muktsar Sahib has been filed by learned State counsel, which is taken on record.
3. Today, at the very outset, learned State counsel has informed that statement of petitioner No.2 – Pinder Kaur has been recorded in terms of provisions of Section 164 Cr.P.C. by learned Judicial Magistrate 1st Class, Jalandhar, wherein she has categorically stated that she wishes to reside with her parents.
4. In view of the aforesaid position, it is directed that petitioner No.2 – Pinder Kaur be permitted to leave Children Home and Observations Home, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar, where she is presently lodged, so that she may reside with her parents.

5. The Incharge, Children Home and Observations Home, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar to do the needful in this regard.
6. Learned State counsel has also informed that FIR No.0068, dated 28.4.2023 at Police Station City Sri Muktsar Sahib, under Sections 363 and 366-A of Indian Penal Code already stands registered against petitioner No.1 – Lalu Prasad, who is on the run.
7. Learned counsel for the petitioners has, however, expressed concerns as regards threat to life and liberty of petitioner No.2.
8. It goes without saying that even an offender is entitled to live safely whether in confinement or as a free man. In these circumstances, it is directed that respondent No.2 – Senior Superintendent of Police, Shri Muktsar Sahib shall examine the alleged threat perception of petitioner No.2. In case, it is found that there is any genuine threat to the lives and liberty of petitioner No.2, then necessary steps as warranted under law be taken at the earliest.
9. It is, however, clarified that the aforesaid direction is not to be construed as conferring any immunity upon petitioner No.2 as regards his arrest and all the necessary consequences pursuant to registration of FIR against him shall follow.
10. The instant petition stands disposed off accordingly.