
(2014) 07 P&H CK 0536
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No. M-9309 of 2014

Mandeep Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 01-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0536

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : Parshotam Lal Singla, Advocate for the Appellant; K.S. Pannu, DAG, P.P.S. Duggal and Kamal Narula, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Naresh Kumar Sanghi, J.—Prayer in this petition is for issuance of directions to respondent Nos. 2 and 3 to protect the lives and liberty of the petitioners from respondent Nos. 4 to 11.

2. The matter came up for hearing before this Court on 13.03.2014 and the following order was passed:-

Prayer in this petition is for issuance of directions to respondents No. 2 and 3 to protect the lives and liberty of the petitioners from respondents No. 4 to 11.

Learned counsel contends that the petitioners are more than 20 years of age but less than 21 years, and both of them have decided to solemnize their marriage after attaining the age of 21 years, by petitioner Sukhmandar Singh alias Mandar Singh. However, the parents and other family members of petitioner No. 1, Mandeep Kaur, are against her affairs with petitioner No. 2 and now she has imminent danger to her life from her family members. It has also been submitted that if the immediate protection is not granted to them, in that situation, either or both the petitioners can be eliminated by the private respondents.

Notice of motion for 28.03.2014.

In the meantime, respondent No. 2, the Senior Superintendent of Police, Ferozepur, shall take appropriate action in accordance with law so that no harm is caused to the life and liberty of the petitioners.

3. On 28.03.2014, the matter was adjourned to 04.04.2014. The relevant part of the order dated 04.04.2014 is reproduced below:-

Service is complete.

Reply of respondent No. 10, Satnam Singh Nagpal, which was received through post, is taken on record, and a copy thereof shall be supplied by the learned counsel for respondent No. 10 to the learned counsel for the petitioners, during the course of the day.

Learned counsel for the private respondents have submitted that the parents of petitioner No. 1, Mandeep Kaur, want to meet her, therefore, the petitioners may be directed to remain present in person in the Court on the next date of hearing so that they can meet and know her welfare.

Learned counsel for the petitioners submits that the petitioners shall remain present in the Court on the adjourned date if the local police assistance is provided to them in view of imminent danger to their lives and liberty.

Learned counsel for the State has no objection if the assistance from the local police is given to the petitioners.

In view of above, the case is adjourned to 22.4.2014. The petitioners shall remain present in person in the Court.

If the petitioners approach the Station House Officer, Police Station, Sector 26, Chandigarh, either on 21.4.2014 or 22.4.2014 on or before 9:30 a.m., then he (S.H.O.) shall make adequate arrangement so that they may reach safely to the Court on the adjourned date.

4. On 22.04.2014, the following order was passed:-

In compliance of the order dated 4.4.2014, the petitioners as well as the parents and uncle of Mandeep Kaur are present in the Court.

Respondent Nos. 4 and 5, namely, Jarnail Singh and Sukhdev Singh Nagpal respectively, as well as Smt. Kulwant Kaur, mother of petitioner No. 1-Mandeep Kaur, were allowed to sit together with Mandeep Kaur and resolve their all disputes.

The case was again taken up at 4:00 p.m.

Petitioner No. 1, Mandeep Kaur, states at the Bar that she had left the house of her parents with her free will and consent. She also states that she is major and wants to live in the company of petitioner No. 2, Sukhmandar Singh @ Mandar Singh. She also states that she is a student of B.Sc. Part-I and understands about her welfare.

Mr. P.P.S. Duggal, learned counsel for respondent Nos. 4 to 8 submits that though petitioner No. 1 is technically major, but she is unable to understand fully about her welfare, therefore, the case be adjourned for a short period so that the parties may again think over about her welfare and sort out the dispute. He assures the Court that the private respondents shall not cause any harm to the petitioners.

Learned counsel for the petitioners has no objection to the prayer made by Mr. P.P.S. Duggal, learned counsel for respondent Nos. 4 to 8.

In the interest of justice, adjourned to 5.5.2014. The petitioners shall remain present in the Court on the adjourned date. In case they face any difficulty in coming to this Court on the adjourned date, in that eventuality they may once again approach the Station House Officer, Police Station, Sector 26, Chandigarh, who shall make adequate arrangement so that they may reach safely to this Court on the adjourned date.

5. Thereafter, the matter was adjourned to 23.05.2014 and 30.05.2014 and then for today.

6. The case was taken up at 2.00 p.m. when Mr. P.P.S. Duggal, representing respondent Nos. 4 to 11, submitted that petitioner-Mandeep Kaur be allowed to meet respondent Nos. 4 to 11. In view of the fact that the parents and other relatives of Mandeep Kaur wanted to meet her, therefore, this Court allowed respondent Nos. 4 to 11 to have a talk with Mandeep Kaur and thereafter, the case was taken up at 3.30 p.m. Mandeep Kaur stated at Bar that she was major and wanted to live in the company of Sukhmandar Singh alias Mandar Singh. She further stated that she had apprehension that she might be caused harm, therefore, the protection be granted to her.

7. Learned counsel for respondent Nos. 4 to 11 submitted that though the petitioner Mandeep Kaur is major but still she is not able to understand her welfare. However, he assures the Court that respondent Nos. 4 to 11 would not cause any harm to the lives and liberty of the petitioners, namely, Mandeep Kaur and Sukhmandar Singh alias Mandar.

8. Learned counsel for the State submits that official respondents are fully prepared to protect the lives and liberty of the petitioners in accordance with law.

9. I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

10. Mandeep Kaur, who is a student of B.Sc. and aged about 21 years, has very categorically and candidly stated at Bar that she wanted to live with Sukhmandar Singh alias Mandar Singh (petitioner No. 2) and there was no pressure from any corner on her to live with him. She has also stated that she was conscious about her welfare and she wanted to live with Sukhmandar Singh alias Mandar Singh only. Several opportunities were afforded to the private respondents to discuss the matter with the petitioner, Mandeep Kaur, and still she is adamant that she

would like to live with Sukhmandar Singh alias Mandar Singh only.

11. The petitioners are more than 20 years of age and they are conscious about their well-being. They have approached this Court for grant of protection to their lives and liberty. This Court is also of the view that in the background of the facts, they need the protection and as such respondent No. 2, i.e. Senior Superintendent of Police, Ferozepur, is directed to make all arrangements in accordance with law for the protection of lives and liberty of the petitioners so that respondent Nos. 4 to 11 or any other person may not cause any harm to them.

12. Disposed of accordingly.