

(2024) 05 P&H CK 3140
In the Punjab And Haryana At Chandigarh
Case No : CRWP Of 4772 Of 2024

Sneha and another

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 22-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 345

Citation : (2024) 05 P&H CK 3140

Hon'ble Judges : Manjari Nehru Kaul, J

Bench : Single Bench

Advocate : Mazlish Khan

Final Decision : Dismissed

Judgement

Manjari Nehru Kaul, J

1. The petitioners, who are stated to be in a live in relationship, are apprehending threats to their life and liberty at the hands of the private respondents, family members of petitioner No.1, aged about 18 years.

2. Learned counsel for the petitioners asserts that ever since entering into a live-in relationship on May 19, 2024, the family of petitioner No.1 has been threatening them with dire consequences. Despite submitting a representation to the respondent No.2-Commissioner of Police, Gurugram on the same date (Annexure P-3), no action has been taken. Therefore, he prays that the official respondents be directed to provide protection to them to ensure protection of their life and liberty in light of these threats.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana accepts notice on behalf of the official respondents.

5. At this stage, Ms. Sakshi Mittal, Advocate has entered appearance and filed her vakalatnama on behalf of respondents No.4 to 8 which is taken on record.

6. Learned counsel representing the private respondents has stated that an FIR has been registered against petitioner No.2 for forcibly taking away petitioner No.1, who is a minor and that too before the petitioners allegedly entered into a live in relationship. She has contended that it is obvious that petitioner No.2, who is an accused has distorted facts in the present petition, for reasons but obvious and is trying to create a defence by approaching this Court, seeking protection at the hands of the private respondents.

7. Learned counsel for the State, on instructions from SI Jitender, too has confirmed this and added that petitioner No.2 has criminal antecedents, with two criminal cases against him. This includes FIR No.287 dated May 17, 2024, under Section 345 of the IPC, related to the forcible taking away/abduction of petitioner No.1. The State has, thus, prayed that protection not be afforded to petitioner No.2, given his criminal antecedents and involvement and serious offences, particularly when the police is actively pursuing him for arrest.

8. Learned counsel for the petitioners has refuted this argument by the learned counsel for the State and private respondents by asserting that the mere existence of pending criminal cases cannot be a valid reason to deny them protection, as affirmed by a Division Bench of this Court in LPA No.769 of 2021 decided on 03.09.2021 titled as Ishrat Bano and another Vs. State of Punjab and others.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. There is no doubt that if an individual's life is under threat, the police are duty-bound to protect them, regardless of their involvement in a criminal case, as affirmed by a Division Bench of this Court. However, in this case, it is undisputed that petitioner No.1 is a minor and that the private respondents have lodged an FIR against petitioner No.2 for forcibly taking away a minor. In such circumstances, providing protection to petitioner No.2 would amount to shielding someone accused of a heinous crime and virtually extending him interim protection, moreso when the alleged abductee is in his custody. If the criminal cases against petitioner No.2 were unrelated to the abduction or kidnapping of petitioner No.1, the Court would have readily directed the authorities to provide protection to the petitioners.

11. This Court, therefore, concurs with the submissions made by the learned State counsel that no protection can be extended by a Court to petitioner No.2, against whom admittedly a case has been registered, and that too prior to the date when it is claimed that the petitioners started living together. Accordingly, the instant petition is hereby dismissed.