

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. 27074 of 2017

Date of Decision: 27.07.2017

Angrej Singh and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Sandeep Arora, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Both the petitioners are present in the Court and are identified by their counsel.

Petitioners have sought protection of their lives and liberty, inter alia, taking the plea that they performed the marriage with each other, whereas private respondents are not accepting their marriage and now they are apprehending danger to their lives and liberty from private respondents. Learned counsel for the petitioners contended that the petitioners performed marriage on 18.7.2017.

Petitioners have also taken the plea that they are major and have performed their marriage with free will.

Notice of motion.

On the asking of the Court, Mr. Rahul Rathore, Deputy Advocate General, Punjab accepts notice on behalf of respondents No.1 to

3.

Having considered the submissions made by learned counsel for

the petitioners and perusal of record, respondent No.2-Senior Superintendent of Police, Batala, is directed to consider the representation dated 22.7.2017 (Annexure P7) and issue necessary orders, as warranted by law, so as to ensure that no harm is caused to the life and liberty of the petitioners at the hands of private respondents.

However, it is also made clear that this order shall not be taken to validate the alleged marriage of the petitioners or entitle them for any protection against their arrest or continuance of any criminal proceedings, if they are found involved in the commission of any cognizable offence. In case, the petitioners had committed any offence, the law will take its own course. Hon'ble Division Bench of this Court in ***Rajwinder Kaur and Another v. State of Punjab (Letters Patent Appeal No. 1678 of 2014, decided on 9.10.2014)***, held as under:-

“Even if the petitioners did not perform valid marriage, the question that arises for consideration is whether they can be deprived of the protection of their life and liberty guaranteed under Article 21 of the Constitution?”

We have no reason to doubt that the fundamental right to life and liberty is so sacrosanct and stands at such a high pedestal that it must be protected even in the absence of an incident like solemnization of a valid marriage between the parties.

While the petitioners might be required to satisfy an appropriate forum regarding the validity of their marriage but even in the absence of such validation, the State is

obligated to protect their life and liberty.”

With the aforesaid observations made and directions issued, the present petition stands disposed of.

(Shekher Dhawan)
Judge

July 27, 2017
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No