

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31251-2018

Date of Decision: 25.07.2018

Arwinder Kumar and another

... Petitioners

Vs.

The State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. L.S. Lakhanpal, Advocate
for the petitioners.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioners are seeking protection for their lives and liberty. Petitioners are stated to be major and got married on 23.07.2018 out of their own sweet will and without any pressure. They are under the impression that there would be threat to their lives and liberty on account of their marriage against the wishes of their relatives and friends. Arising out of these facts and circumstances, petitioners are stated to have submitted representation dated 23.07.2018 (Annexure P-5) to the Senior Superintendent of Police, SBS Nagar (Nawanshahar). Insofar as giving protection to the married couple, there is decision of the Apex Court.

2. Interference by the police in conjugal life; the Apex Court in the case of ***Lata Singh versus State of U.P.*** reported in (2006) 5 SCC 475 held as follows:-

“The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious

marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or interreligious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes intercaste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law”.

3. In terms of the Supreme Court observation, the official respondents/concerned respondent are directed to examine the representations of the petitioners and to give necessary protection while appreciating the fact that there is threat to their life. This order shall not validate the marriage of the couple in any manner.

4. However, 1st petitioner namely Arwinder Kumar is hereby directed to deposit a sum of Rs.1,00,000/- in the name of 2nd petitioner immediately and thereafter he shall deposit a sum of Rs.2,00,000/- within a period of six months from today in the shape of FDR for a period of one year.

5. Accordingly, the petition is disposed of.

25.07.2018

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(P.B. Bajanthri)
Judge