

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No. 39614 of 2018
Decided on: 11.9.2018**

Akash and another**.....Petitioners****Versus****The State of Haryana and others****.....Respondents****Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Nand Lal Sammi, Advocate and
Mr. Hitesh Kumar Sammi, Advocate, for the petitioners

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners seeking protection of their life and liberty by contending that **both of them** have married each other against the wishes of their respective family members/respondents No. 4 to 7 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-5) in this regard to the **Superintendent of Police, Panchkula** on 5.9.2018, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/respondents.

Petitioner No. 1 is about 20 years of age and petitioner No.2 is about 15 years of age. However, the counsel has relied upon judgments of this Court rendered in **CRM-M No. 2121 of 2015-Jaswinder Kaur v. State of Punjab and others**, **CRM-M No. 5899 of 2014 – Sabba Singh @ Sarbjeet Singh @ Hrmanpreet Singh v. State of Punjab and others** and **CRM-M No. 35410 of 2010- Neelam Rani and another v. State of Haryana and others**, to

contend that the petitioners have reached the age of discretion and understanding and, therefore, the protection of life and liberty cannot be denied on the ground that the petitioners are not of marriageable age. The petitioners have married each other, in support of which photographs (Annexure P-4) have been placed on record.

For the aforesaid reasons, this appears to be a fit case for this Court to invoke the inherent powers under Section 482 of the Cr.P.C. and in view of the mandate contained in Article 21 of the Constitution of India to protect the citizen's right to life and liberty.

Thus, the Superintendent of Police, Panchkula is directed to consider the representation dated 5.9.2018 (Annexure-P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

This would not *ipso facto* amount to granting any seal of approval on the legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

The petition is disposed of with the above direction.

(RAJBIR SEHRAWAT)
JUDGE

11.9.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No