

Sr. No.133

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

CRM-M-11895-2019

Date of decision:14.03.2019

Sagandeep Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. G.S.Nigha, Advocate
for the petitioners.

Mr. Pardhuman Garg, Advocate
for respondents No. 4 and 5.

Rajbir Sehrawat, J(Oral)

Both the petitioners are present in person and identified by their counsel. They seek protection of their life and liberty by contending that both of them having attained the age of majority, have married each other against the wishes of their respective family members/respondents No.4 and 5 and so seek appropriate protection from the authorities. They submitted a representation(Annexure P-5) in this regard to the Senior Superintendent of Police, Bathinda on 12.03.2019, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/respondents.

Respondents No.4 and 5 are present in Court. Both have stated that they are not against the marriage of the petitioners. However, if the petitioners so desires, they can perform their marriage as per the social norms as well.

In reply to the same, learned counsel for the petitioners on

instructions from the petitioners has submitted that they have already got married and they do not need any performance of any ceremonies at the hands of respondents No.4 and 5.

Both of them do appear to have crossed the age of majority as seen from the copies of documents filed and have married each other, in support of which photographs (Annexures P-4) has 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 Senior Superintendent of Police, Bathinda is directed to consider the representation dated 12.03.2019(Annexure-P5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

It is nevertheless clarified that this order is issued only on the premise that the petitioners have crossed the age of majority as seen from the documents placed on record being Aadhar Cards of petitioners No.1 and 2(Annexures P-1 and P-2). The petitioners have produced on record a copy of their marriage certificate(Annexure P-3). 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.

14th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*