

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

CRWP No. 2618 of 2019

Date of Decision: December 30, 2019

Santosh Kaur and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : **Hon'ble Mr. Justice Jasgurpreet Singh Puri**

Present : Mr. Kuldip Singh, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J.(Oral)

Learned counsel for the petitioners states that petitioner No.2 is aged more than 19 years as his date of birth is stated to be 01.06.2000 whereas the date of birth of petitioner No.1 is 19.05.2000 as stated in para No.2 of the petition. He further states that petitioners No.1 and 2 have married according to their own wishes and that they have threat to their life and liberty at the hands of the private respondents No. 4 to 7. He further points out to marriage photographs (Annexure P-2) and also representation dated 24.12.2019 (Annexure P-3) given to the Senior Superintendent of Police, Fazilka.

Heard learned counsel for the petitioners.

The right available under Article 21 of the Constitution of India which provides that nobody shall be deprived of his life and liberty except by the procedure established by law.

The case in hand is pertaining only to the protection of life and liberty and subject matter of the validity of marriage etc is not to be

considered.

Learned counsel for the petitioners, has also relied upon the judgment passed by this Court in *Rajveer Kaur and another Vs. State of Punjab and others, CWP No. 17025 of 2019, decided on 21.6.2019* as well as *Sarabjeet Kaur and another Vs. State of Punjab and others, CWP No. 28124-2019, decided on 27.09.2019* in support of his contention that it would not be a bar to grant protection even though the boy is below marriageable age.

Learned counsel for the petitioners has further pointed out that the petitioners are happily residing with each other but they have potential threat from the private respondents.

Since the present case pertains to the protection of life and liberty of the petitioners then even if at this stage, it would be in the interest of justice to grant protection to the petitioners.

This petition is disposed of with a direction to the Senior Superintendent of Police, Fazilka, to look into the representation Annexure P-3 dated 24.12.2019 and ensure that no harm is caused to the petitioners.

It is made clear that this order is meant only to ensure the life and liberty of the petitioners and it will not mean that any opinion has been expressed regarding the validity of marriage, if any. It is further made clear that this order would not be construed as to create any bar from taking any other action by the police against the petitioners if otherwise some unlawful activity has been committed.

(JASGURPREET SINGH PURI)
JUDGE

December 30, 2019

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No