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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4169 of 2020
Date of decision: 09.10.2020

Malkeet Singh and another

..... Petitioners

V/s.

State of Haryana and another

..... Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sandeep Siwach, Advocate, for the petitioners.

Ms. Mahima Yashpal, DAG, Punjab.

None for respondent Nos. 4 to 7.

Sanjay Kumar, J.

The petitioners claim to be married. By way of this writ petition, they sought protection of their lives and liberty from family members, respondent Nos. 4 to 7 herein, who were opposed to their relationship. They addressed representation dated 23.06.2020 (Annexure P-4) to the Superintendent of Police, Sirsa, in this regard and approached this Court complaining of inaction thereon.

By order dated 26.06.2020, this Court directed the Superintendent of Police, Sirsa, to take appropriate action upon their representation and extend adequate protection to their lives and liberty, if

necessary. This interim order was passed while directing service of notice upon respondent Nos. 4 to 7. This was felt necessary as the second petitioner did not produce any document in proof of her date of birth. The Aadhar Card filed by her merely showed the year of her birth as 2002 but not the date and month. As it was within the realm of possibility that the second petitioner was a minor, this Court deemed it appropriate to direct notice to be served upon her family members, respondent Nos. 4 to 7.

However, despite service of notice, respondent Nos. 4 to 7 did not choose to enter appearance before this Court, either in person or through learned counsel.

Mr. Sandeep Siwach, learned counsel for the petitioners, produced the Permanent Account Number Card of the second petitioner, issued by the Income Tax Department of the Government of India, wherein her date of birth is shown as 01.01.2002.

In the light of this document and in the absence of any claims to the contrary, this Court accepts that the second petitioner was a major by the time the purported marriage was performed on 23.06.2020.

It may be noted that this Court is not concerned with the validity or legality of the marital status claimed by the petitioners. The only issue before this Court is as to whether they would be entitled to protection of their lives and liberty, as their relationship is not to the liking of the family members. Trite to state, the State is under a bounden duty to protect the lives and liberty of its citizens and maintain law and order in society. Such duty and obligation would rest upon the State, irrespective of the nature and status of the petitioners' relationship.

In that view of the matter, the writ petition is disposed of making the interim order absolute. In consequence, the Superintendent of Police, Sirsa, shall take appropriate action, as warranted and in accordance with law, upon the representation dated 23.06.2020 (Annexure P-4) made by the petitioners, and extend adequate protection to their lives and liberty, if necessary.

By way of abundant caution, it is made clear that this Court has not expressed any opinion as to the validity or the legality of the petitioners' relationship and this order shall not be treated as certification of the validity or legality of the petitioners' marital status, if any.

No order as to costs.

(SANJAY KUMAR)
JUDGE

09.10.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no