

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRWP-4729-2020 (O&M)
Date of decision: 13.07.2020

Sahil and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Dhruv Gupta, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Ruhani Chadha, Advocate
for respondents No.4 & 5.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioners-Sahil and Karmo Devi, stated to be aged 20 & 17 years respectively, have jointly filed the present petition *inter alia* with a prayer for issuing directions to respondents No.1 to 3 to protect life and liberty of the petitioners and to ensure that they are not harassed by respondents No.4 & 5.

Learned Counsel for the petitioners submits that in this regard, a detailed representation (Anexxure P-4) was submitted to Superintendent of Police, District Kurukshetra (respondent No.2).

Learned counsel for the petitioners, based on the pleadings, makes reference to the order dated 21.06.2019 in CWP-17044-2019 titled as Harpreet Kour and another vs. State of Punjab, passed by this Court.

Relevant portion is reproduced hereunder:-

17. The issue in hand, however, is not marriage of the petitioners, but the deprivation of fundamental right of seeking protection of life and liberty. I have no hesitation to hold that Constitutional Fundamental Right under Article 21 of Constitution of India stands on a much higher pedestal. Being sacrosanct under the Constitutional Scheme it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of any marriage between the parties.

18. It is the bounden duty of the State as per the Constitutional obligations casted upon it to protect the life and liberty of every citizen. Right to human life is to be treated on much higher pedestal, regardless of a citizen being minor or a major. The mere fact that the petitioner No.2 is not of marriageable age in the present case would not deprive the petitioners of their fundamental right as envisaged in Constitution of India, being citizens of India.

While refraining from making any expression as regards the veracity of the averments made in the petition, the petition is **disposed of** with a direction that in case, the petitioners approach the police authorities concerned, with above representation (Annexure P-4) with regard to their alleged threat perception, the same shall be got examined by Superintendent of Police, District Kurukshetra (respondent No.2), expeditiously in accordance with law and necessary steps as may be warranted under the facts and circumstances of the case, be taken thereupon forthwith.

At this stage, counsel for respondents No.4 & 5 submits that he would submit a representation to the concerned police official with a request to allow the respondents to meet their daughter.

Without commenting on merits of the case, if any representation is made, the concerned police official may examine the necessity, if any, and proceed in accordance with law.

A copy of this order be sent to Superintendent of Police, District Kurukshetra (respondent No.2), so as to enable him to do the needful expeditiously.

Needless to say that the aforesaid order shall not be construed to be an expression as regards the validity of the alleged marriage of the parties.

Criminal Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.07.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No