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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.6566 of 2020
Date of Decision: 31.08.2020

Neetu and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

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In virtual Court
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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Mohd.Salim, Advocate,
for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 7, not to harass or interfere in the peaceful married life of the petitioners.

2. The counsel for the petitioners has submitted that he has verified the identity of the petitioners.

3. The petitioners seek protection of their life and liberty by contending that they 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 claim to have submitted a representation (Annexure P-6) in this regard to the The Senior Superintendent of Police, Ferozepur, on 24.08.2020, but are still apprehensive about their safety and security in view of the alleged inaction of the police and the alleged clout of their

family members/respondents.

4. Notice of motion.

5. Mr. Ajay Pal Singh, DAG, Punjab accepts notice on behalf of the State.

6. Both the petitioners do not have crossed the age of majority as seen from their copy of Aadhar cards filed (Annexure P-1 & P-3). 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- 5899 of 2014 – Sabba Singh @ Sarbjeet Singh @ Harmanpreet 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 petitioner No.2 has reached the age of discretion and understanding and, therefore, the protection of life and liberty cannot be denied on the ground that petitioner No.2 is of the age of less than 18 years. The petitioners have married each other, in support of which photographs (Annexures P-5) have been placed on record.

7. For the aforesaid reasons, this appears to be a fit case for this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India to ensure the right to life and liberty as guaranteed to them by Article 21 of the Constitution.

8. Thus, the Senior Superintendent of Police, Ferozepur is directed to consider the representation dated 24.08.2020 (Annexure-P-6) 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 produced on record photographs (Annexure P-5) qua their stated marriage. However, this order 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).

9. The petition is disposed of with the above direction.

31.08.2020
anil

(RAJBIR SEHRAWAT)
JUDGE

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