

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

CRWP No.7312 of 2020

Date of Decision:17.09.2020

HARPREET KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gagandeep Singh Manku, Advocate
for the petitioners.

Mr. Mehardeep Singh Dullat, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 and 5.

Learned counsel for the petitioners submits that petitioner No.1 is major, but petitioner No.2(boy) being 20 years of age, is not of marriageable age. They are living together in live-in relationship. The petitioners have already submitted a representation dated 10.09.2020 (Annexure P-4) to respondent No.2-Senior Superintendent of Police, Kapurthala, for redressal of their grievance, but no action has been taken thereon.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that the private respondents would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to posts for protection of their life and liberty.

Notice of motion to the respondents No.1 to 3 only.

On the asking of this Court, Mr. Mehardeep Singh Dullat, Addl. A.G., Punjab accepts notice on behalf of respondents No.1 to 3. A complete set of paper-book has already been supplied to the learned State counsel.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere fact that petitioner No.2 is not of marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Senior Superintendent of Police, Kapurthala, to decide the representation dated 10.09.2020 (Annexure P-4), moved by the petitioners in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

September 17, 2020

Jyoti-IT

Whether speaking/reasonedYes/No

(HARNARESH SINGH GILL)

JUDGE

Whether ReportableYes/No