

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

CRWP-7679-2020

Date of decision: 25.09.2020

Simranjeet Kaur and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ithlesh Kaushal, Advocate for the petitioners.

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 of India for issuance of a writ in the nature of mandamus directing the official respondents No. 2 and 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) born on 20.08.2001, though major, is not of marriageable age. They are living together in live-in relationship. He further submits that parents of petitioner No. 1 are against the live-in-relationship and tried to perform her marriage with a boy of their choice against her wishes. The parents of petitioner No. 1 also tried to kidnap her, but somehow she saved herself from their clutches. They are issuing threats to the petitioners regarding their live-in relationship. They apprehend danger at the hands of respondents No. 4 and 5. Petitioner No. 1 has already submitted a representation dated 22.09.2020 (Annexure P-3) to

respondent No. 2- Commissioner of Police, Jalandhar, for redressal of their grievance, but no action has been taken thereupon.

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.

In support of his contentions, learned counsel for the petitioners relies upon '*Jitender K. Sharma Vs. State and another*' reported as **2001 (7) AD (Delhi) 785**.

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

On the asking of this Court, Ms. Monika Jalota, DAG Punjab, accepts notice on behalf of respondents No.1 to 3 only.

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 directions to respondent No. 2- Commissioner of Police,

Jalandhar, to verify the contents of the petition particularly the threat perception to the petitioners and thereafter provide necessary protection qua their life and liberty and to decide the representation 22.09.2020 (Annexure P-3), moved by the petitioner No. 1 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.

(HARNARESH SINGH GILL)
JUDGE

25.09.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No