

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

109

CRWP No.8285 of 2020

DATE OF DECISION : 12th OCTOBER, 2020

Saifli and another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Mohd. Yousaf, Advocate for the petitioners.

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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 respondent No.2 to protect the life and liberty of the petitioners at the hands of private respondents, 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/private respondents and so seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-4) in this regard to the Senior Superintendent of Police, Gurdaspur, on 05.10.2020, 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. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the State.

6. Petitioner No.1 do appear to have crossed the age of majority as seen from the copy of Aadhar filed (Annexure P-1). Although petitioner No.2 is not of 18 years of age, 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-3) 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, Gurdaspur is directed to consider the representation dated 05.10.2020 (Annexure-P-4) 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-3) 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.

12th OCTOBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>