

CRWP No.10511 of 2020
Date of Decision : 16.12.2020

Aman Soun @ Aman and another ...Petitioners

Versus

State of Punjab and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Manjeet Kaur Brar, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the Criminal Writ Petition under Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 15 and also not to allow respondent Nos.4 to 15 or anybody else to interfere with their life and liberty.

3. Learned counsel contends that the petitioners seek protection on account of having performed marriage on 10.12.2020, against the wishes of respondent Nos.4 to 15 who are threatening them with harm to their life and liberty.

4. Learned counsel contends that petitioner No.1 was *Muslim* by birth but converted to Sikh religion a few years ago and on account of mutual liking

for each other and fulfilling all conditions stipulated under law, the

petitioners performed marriage on 10.12.2020, out of their own free will and volition. Learned counsel further contends that the petitioners are of marriageable age as is evident from their Aadhaar Cards, i.e. Annexures P/1 and P/2, as per which date of birth of petitioner No.1 is 11.03.1991 i.e. 29 ½ years and that of petitioner No.2 is 06.09.1990 i.e. 30 years. The petitioners have also attached marriage certificate, Annexure P/3 issued by the Gurudwara Guru Nanak Niwas Sahib, Village Krore Kalan, Tehsil Kharar, District Mohali, besides photographs of marriage, Annexure P/4.

5. Learned counsel contends that the petitioners had submitted representation Annexure P/5 dated 10.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, Bathinda, Punjab, for redressal of their grievance but no action has been taken in respect thereto till date and that in the circumstances, the petitioners would be satisfied if the criminal writ petition is disposed of by directing respondent No.2 to consider and decide the aforementioned representation, in accordance with law, in a time bound manner.

6. Notice of motion to respondent No.2 only.

7. Ms. Monika Jalota, learned DAG, Punjab, accepts notice on behalf of respondent No.2 and after perusal of the advance copy of the petition states that she has no objection to the limited prayer made by learned counsel for the petitioners.

8. Accordingly, in view of the decision of Hon'ble the Supreme

Court in '**Lata Singh vs. State of UP and others**, JT 2006 (6) SC, 173 but

without commenting upon the age of the petitioners, validity of their marriage or the authenticity of the documents attached with the criminal writ petition, the criminal writ petition is ***disposed of*** by directing respondent No.2 i.e. Senior Superintendent of Police, Bathinda, Punjab, to consider and decide representation, Annexure P/5 dated 10.12.2020, submitted by the petitioners after taking into account all aspects of the matter, as expeditiously as possible and thereafter take such action in respect thereto in accordance with law as may be warranted keeping in view the threat perception to the petitioners. However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

(B.S. Walia)
Judge

December 16, 2020
'Rajneesh-Amit'

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