

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

CRWP-10782-2020(O&M)

Date of decision: 23.12.2020

Lovejeet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.S. Kahlon, 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 to 4 to protect the life and liberty of the petitioners at the hands of respondents No. 5 to 15.

Learned counsel for the petitioners states that the petitioners No. 1 and 2, are 17 and 20 years of age respectively, which is not marriageable and they have solemnized marriage against the wishes of respondents No. 5 to 15 and have sought protection to their life and liberty. They have placed on record certificate and photographs, evidencing their marriage, as Annexures P-3 and P-4 respectively. The petitioners have submitted a representation dated 20.12.2020 (Annexure P-5) to respondent

No. 2.

In support of his contentions, learned counsel for the petitioners relies upon the judgment passed by the ***Hon'ble Supreme Court of India*** in '***Lata Vs. State of U.P. and another***' and judgment passed by Division Bench of this High Court in '***Rajwinder Kaur and another Vs. State of Punjab and other***' RCR 2014 (4) 785.

Notice of motion to the respondents No.1 to 4 only.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. AG Punjab, accepts notice on behalf of respondents No.1 to 4.

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 casted upon it to protect the life and liberty of every citizen. Mere fact that petitioners are 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-Superintendent of Police(Rural) Amritsar, District Amritsar, to decide the representation dated 20.12.2020 (Annexure P-5), 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.

(HARNARESH SINGH GILL)
JUDGE

23.12.2020
Mangal Singh

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