

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10786-2020

Date of Decision:23.12.2020

Harpreet Kaur and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sahil Goel, 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 for issuance of a writ in the nature of mandamus directing 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 02.10.2000, though major, is not of marriageable age. They are living together in a live-in relationship for the last one year and will marry each other when petitioner No.2 attains the age of 21 years according to Hindu Marriage Act, 1955. He further submits that parents of petitioners are agreed with their relationship and they have no objection if they married with each other. Respondent No.4, sister of petitioner No.2 and respondent No.5, Bua ji of petitioner No.2, are issuing threats to the petitioners regarding their live-in relationship. The petitioners

have already submitted a representation dated 21.12.2020 (Annexure P-3) to respondent No.2-Superintendent of Police, Karnal, 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 private respondents No.4 and 5 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 the judgments passed by the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899; and *Indra Sarma Vs. V.K.V. Sarma*' 2013(15) SCC 755; judgment passed by the Delhi High Court in '*Jitender K. Sharma Vs. State and another*' 2001(7) AD (Delhi) 785 and the judgment dated 24.06.2019 passed by a Coordinate Bench of this Court in CWP-17069-2019 titled as '*Kawaljeet Kaur and another Vs. State of Punjab and others*'.

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

On the asking of this Court, Mr. Deepak Bhardwaj, DAG, Haryana, 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-Superintendent of Police, Karnal, to decide the representation dated 21.12.2020 (Annexure P-3), 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.

23.12.2020
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(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No