

CRWP-169-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

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Date of Decision:-07.10.2021.

Gupreet Kaur and another

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ, order or direction to the official respondents to protect the life and liberty of the petitioners.

On 09.01.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“It is stated that petitioner No.1 – Gurpreet Kaur, aged about 19 years has got married with petitioner No.2 – Raj Kumar, aged about 29 years against wishes of her family members arrayed as private respondents No.4 and 5, who are threatening to interfere in their marital life, as such to seek protection in that regard, they have approached this Court by way of filing the present petition.

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Of course nobody can be allowed to take law into his hands and to indulge in illegal activities.

Notice of motion for 3.3.2020.

In the meanwhile, respondent No.2 – Senior Superintendent of Police(Rural), Jalandhar is directed to ensure that no physical harm is caused to the petitioners at the hands of private respondents or persons claiming under them.

However, this order is not to be taken as legalizing the alleged marriage between the petitioners and shall not save the petitioners from any criminal or civil action to which they may be found liable in view of the circumstances of the case.”

Learned State counsel has submitted that the in the present case, reply has been filed and as per the said reply, the statements of both the petitioners have been recorded and both the petitioners have stated that they had married on account of love affair between the two and at present, neither they apprehend any danger to their life and liberty from their parents nor they need any security.

In view of the above-said reply, the present petition has become infructuous and is disposed of as such.

In case the petitioners apprehend any danger to their life and liberty in future, they would be at liberty to move a representation before respondent No.2-Senior Superintendent of Police, (Rural), Jalandhar, who would look into the same and considering the threat perception, would take appropriate action thereon, in accordance with law.

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It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation, if any, moved by the petitioners with the limited aforesaid aspect.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

(VIKAS BAHL)
JUDGE

October 07, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No