

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

**CRWP-1043-2021 (O&M)
Date of decision: 15.02.2021**

Kirandeep Kaur and another ...Petitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rakesh Gupta, Advocate for
Mr. Arjun Atri, 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 respondents No. 1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4 and 13.

Learned counsel for the petitioners submits that petitioner No.1 is major, but petitioner No. 2-Sukhwinder Singh, though major, is not of marriageable age and have solemnized marriage against the wishes of respondents No. 4 to 13 and sought protection to their life and liberty. They have placed on record the certificate, evidencing their marriage, as Annexure P-4. The petitioners have submitted a representation dated 30.01.2021 (Annexure P-5) to respondent No. 2-Senior Superintendent of Police, Patiala.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that respondents No. 4 to 13 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 a Coordinate Bench of this Court in the case of '*Jagdeep Kaur and another Vs. State of Punjab and others*' 2019(4) *Law Herald* 2794 and the judgment passed by the *Delhi High Court* in '*Jitender K. Sharma Vs. State and another*' reported as 2001 (7) *AD (Delhi)* 785.

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

On the asking of this Court, Mr. Randhir Singh Thind, DAG Punjab, accepts notice on behalf of respondents No.1 to 3 only.

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 a 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 - *Senior* Superintendent of Police, Patiala, to decide the representation dated 30.01.2021 (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

15.02.2021
Mangal Singh

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