

[132] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.5294 of 2021
Date of decision: 10.06.2021

Kirandeep Kaur and another ...Petitioners

Versus

State of Punjab & Ors.Respondents

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

Present : Mr. Vishal Satija, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India is for directing respondent Nos.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 6 etc.
3. Learned counsel contends that petitioner No.1 is 18 years and 5 months of age as is evident from Aadhar Card Annexure P/1, wherein her date of birth is recorded as 01.01.2003, while petitioner No.2 is 19 years 5 months of age as per Aadhar Card Annexure P/1-Colly., wherein his date of birth is recorded as 14.12.2001. Learned counsel contends that due to mutual liking for each other, the petitioners got married as per Sikh rites and ceremonies on 05.06.2021 as is evident from the photographs of the marriage, Annexure P/2 without any fraud,

respondent Nos.4 to 6 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/3 dated 06.06.2021 to respondent No.2 i.e. The Superintendent of Police, Amritsar (Rural) seeking protection of their life and liberty but no action has been taken in respect thereto till date and that in the circumstances, the petitioners would be satisfied if the petition is disposed of by directing respondent No.2 to consider and decide representation Annexure P/3 in accordance with law, in a time bound manner and to provide protection to them.

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

5. Ms. Samina Dhir, DAG, Punjab, who is present, accepts notice on behalf of respondent No.2 and states that although respondent No.2 does not fulfil the requirement of legal age for getting married, yet she has no objection to the limited prayer made by learned counsel for the petitioners for protection of the life and liberty of the petitioners.

6. 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 petition, the petition is disposed of by directing respondent No.2 i.e. Superintendent of Police, Amritsar (Rural) to consider and decide representation, Annexure P/3 dated 06.06.2021, submitted by the petitioners in accordance with law as expeditiously as possible and take such action in respect thereto 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.

10.06.2021

'Rajneesh/Amit'

(B.S. Walia)
Judge

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