

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

**CRWP-5729-2021 (O&M)
Date of decision: 23.06.2021**

Lakhbir Kaur and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Deepak Kumar Bartia, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-W-709-2021

Allowed as prayed for.

Main case:

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 to 6.

Learned counsel for the petitioners states that though petitioner No. 1 is major, but petitioner No. 2-Harwinder Singh, though major, is not of marriageable age and they have solemnized marriage against the wishes

of respondents No. 4 to 6 and have sought protection to their life and liberty. They have placed on record the photographs, evidencing their marriage, as Annexure P-3. This is an intercaste marriage. The petitioners have submitted a representation dated 18.06.2021 (Annexure P-4) 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 the private respondents would catch them and carry out their threats and might go to the extent of eliminating them. The petitioners are running from pillar to post 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 CWP-17069-2019 titled as Kawaljeet Kaur and others versus State of Punjab and others.

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

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. AG Punjab, accepts notice on behalf of respondents No.1 to 3.

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-Harwinder Singh, 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 18.06.2021 (Annexure P-4), 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

23.06.2021

Aman Jain

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No