

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 6087 of 2021
Date of decision: 02.07.2021

Dawinder Singh and anotherPetitioners.

vs.

State of Punjab and othersRespondents.

CORAM: - HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

(Heard through Video-Conferencing)

Present: - Mr. Karanjeet Singh Brar, Advocate,
for the petitioners.

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Meenakshi I. Mehta, J. (ORAL)

Both the petitioners have joined hands to prefer the instant petition for seeking the relief of the issuance of a writ in the nature of mandamus directing respondents No. 2 and 3 to protect their lives and personal liberty as they apprehend threat to the same at the hands of respondents No. 4 to 6 because they (petitioners) have solemnized their marriage against the wishes of these respondents. It has also been mentioned in this petition that a representation (Annexure P-4) has already been moved to respondent No. 2 in this regard.

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

Ms. Samina Dhir, learned Deputy Advocate General Punjab, who has joined the proceedings on behalf of respondents No. 1 to 3 in this case in pursuance of the copies of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of these respondents.

Heard.

Learned counsel for the petitioners restricts his prayer to the issuance of a direction to respondent No.2 to look into and take appropriate action on the said representation of the petitioners, i.e. Annexure P-4.

Learned State counsel has no objection for the same.

However, it is worthwhile to mention here that petitioner No. 2 (Paramjeet Kaur) has submitted her affidavit deposing therein regarding her date of birth being 17.07.2002 and as per the copy of the Aadhar Card of petitioner No. 1 (Dawinder Singh) (Annexure P-1), his date of birth is 25.07.2001, meaning thereby that he has not yet attained the prescribed age of 21 years for the marriage.

Be that as it may, keeping in view the intent of the fundamental right enshrined in Article 21 of the Constitution of India which ensures the protection of life and liberty to the citizens and without commenting or expressing any opinion on the validity and legality of the marriage, as stated to have been solemnized between

the petitioners, respondent No.2-the Senior Superintendent of Police, Bathinda, is hereby directed to look into the said representation of the petitioners (Annexure P-4) and if it is found that the petitioners genuinely deserve any protection, then to take appropriate action in accordance with law.

It is further clarified that this order shall not be construed to be a shield to the petitioners against any proceedings already initiated or intended/contemplated to be initiated by the competent authority/person on account of their said marriage and permissible under any relevant provisions of law.

This petition stands disposed of accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

02.07.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no