

CRWP-7056-2021

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

CRWP-7056-2021.
Date of Decision:-17.09.2021.

Makhan Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shadab Ahmad, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India in the nature of mandamus directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners and to restrain the private respondent Nos.4 and 5 not to harass or interfere in the peaceful married life of the petitioners.

On 29.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“It is stated that petitioner No.1-Makhan Singh, aged about 23 years, a bachelor and Raj Kaur, aged about 22 years, a widow, her first husband having died, have tied the nuptial knot have got married against wishes of her family

CRWP-7056-2021

members, arrayed as respondents No.4 and 5, who are threatening to interfere in their marital life. As such they seek protection in that regard and have approached this Court by way of filing the present petition. They had sent representation to Senior Superintendent of Police, Kaithal (Annexure P-6) without evoking any response.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, has accepted notice on behalf of official respondents No.1 to 3. Service of respondents No.4 and 5 be got effected for 17.09.2021.

In the meanwhile, Superintendent of Police, Kaithal 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 referred to the reply, as per which it has been stated that the petitioners had given a statement on 28.08.2021 to the effect that they do not have any threat and after the marriage, they have been residing peacefully at Rajpura.

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

CRWP-7056-2021

However, liberty is granted to the petitioners to move a representation to respondent No.2-The Senior Superintendent of Police, Kaithal, in case they have any apprehension to their lives and liberty in future and respondent No.2 is directed to look into the matter and take appropriate action accordance with law.

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 a limited aspect aforesaid.

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

September 17, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No