

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-7152 of 2021

Date of Decision: 2.8.2021

Kulwinder Kaur and another

.... Petitioners

Vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.A.S.Kakkar, Advocate,
for the petitioners

...

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 6, who are stated to be the parents and maternal uncle of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 28.7.2021.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier. He states that he has obtained specific instructions from the petitioners in that regard.

Notice of motion.

Mr.S.S.Sandhu, learned AAG, Punjab, accepts notice at the asking of the court on behalf of respondents no.1 to 3.

Mr.Parveen Chauhan, Advocates, appears for respondents no.4 and 5, i.e. the parents of petitioner no.1, and submits that as a matter of fact

the petitioners are distantly related cousins but whether they are within the prohibited degree of sapinda relationship or not, he would need to examine that by way of pedigree table.

Upon a specific question put to him as to the age of petitioner no.1, he does not deny that, as per his instructions, she is above the age of 18 years.

That being so, this being a petition only seeking protection of life and liberty of the petitioners, without making any comment whatsoever on the validity of the marriage, or otherwise, it is disposed of with a direction to respondents no.2 and 3 to ensure that the life and liberty of the petitioners is duly protected that being the basic fundamental right enshrined in Article 21 of the Constitution of India.

If of course respondents no.4 and 5 or any other competent person has any grievance qua the marriage on the ground of it being void on account of any possible sapinda relationship, that naturally would need to be proved before the competent court by way of appropriate proceedings.

In the meanwhile, Mr.Chauhan has submitted that respondents no.4 and 5 would like to meet their daughter, i.e. petitioner no.1, to which Mr.Kakkar, learned counsel for the petitioners, very fairly submits that the petitioners have no objection, provided their life and liberty is duly protected.

Consequently, even while disposing of this petition, it is directed that the petitioners, as also respondents no.4 and 5, would go to the Police Station Sadar, Patti, District Tarn Taran, on 6.8.2021 at 11.00 am, to ensure that the meeting takes place under due protection and that no

untoward incident takes place.

Further, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, this order shall not be construed to be a bar on proceedings initiated as per law.

2.8.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
No/Yes