

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 7948 of 2021
Date of Decision: 23.8.2021**

Tamana and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution of India for directing respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hands of respondents No. 4 to 9.

Learned counsel for the petitioners states that though petitioner No. 1 is major, but petitioner No. 2-Ajay, though major, is not of marriageable age and they have solemnized marriage against the wishes of respondents No. 4 to 9 and have sought protection to their life and liberty. They have placed on record the photograph, evidencing their marriage, as Annexure P-3. Petitioner No. 1 has submitted a representation dated 19.8.2021 (Annexure P-4) to respondent No. 2-Senior Superintendent of Police, Gurdaspur, District Gurdaspur.

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 another 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 caste upon it to protect the life and liberty of every citizen. Mere fact that petitioner No. 2-Ajay, 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, Gurdaspur, District Gurdaspur, to decide the representation dated 19.8.2021 (Annexure P-4), moved by the petitioner No. 1 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

August 23, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No