

In the High Court of Punjab and Haryana at Chandigarh

CRWP No. 8392 of 2021

Date of Decision: 8.9.2021

Mamta and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. M.N.Jajoria, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

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 private respondents.

Learned counsel for the petitioners states that though petitioner No. 2 is major, age of petitioner No. 1-Mamta, is 17 years and 10 months and want to marry each other after attaining the age of majority of petitioner No. 1 but the family members of petitioner No. 1 are against their relationship. She further submits that both the petitioners have been living together in live-in relationship at the address of petitioner No. 2 and facing threat from the family members of petitioner No. 1 and in this regard, they have also moved a representation dated 30.8.2021 (Annexure P-3) to Senior Superintendent of Police, Sangrur-respondent No. 2.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that respondents No. 4 to 10 would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners

are, therefore, 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 the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899; and *Indra Sarma Vs. V.K.V. Sarma*' 2013(15) SCC 755 and the judgment 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. 1-Mamta, is not of a marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

Without commenting upon the marital status or live-in relationship of the petitioners, I dispose of the petition with directions to respondent No. 2-Senior Superintendent of Police, Sangrur to decide the representation dated 30.8.2021 (Annexure P-3), 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

September 08, 2021
Gurpreet

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