

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CRWP-9827-2021

Date of decision : 10.12.2021

Bhupinder Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Vaibhav Narang, Advocate  
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a criminal writ petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing respondents no.2 and 3 to protect the life and liberty of the petitioners.

On 13.10.2021, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioners contends that petitioner No.1 is major and petitioner No.2 is minor and initially, there was engagement ceremony which was performed between the petitioners and thereafter on account of death of parents of petitioner No.1, parents of petitioner No.2 did not want petitioner No.2 to have any relationship with petitioner No.1 and in fact, wanted to forcibly marry her with some other person. It is further submitted that petitioner No.2 is living with petitioner No.1 of her own choice but when both are of marriageable age, they would like to marry each other. It is further stated that*

*a detailed representation dated 12.10.2021 (Annexure P-6) has been submitted to respondent No.2-Senior Superintendent of Police with regard to protection of life and liberty of the petitioners.*

*Learned counsel for the petitioners has relied upon the judgment passed by the Coordinate Bench of this Court in case **Jashanpreet Kaur and another Vs. State of Punjab and others**, reported as **2019(4) RCR (Civil) 183**, in which case although, girl therein was aged about 15 years and 8 months and boy was aged about 19 years and 3 months, yet the Coordinate Bench after considering the provisions of Hindu Marriage Act, 1955, was pleased to protect the life and liberty of the petitioners therein. The relevant portions of the said judgment is reproduced hereinbelow:-*

*“1 to 5 xxx xxx*

*6. Facts, as pleaded in the petition, succinctly are that the petitioner No.1, a minor girl born on 04.10.2003 and petitioner No.2, a boy born on 10.03.2000, though a major, but not of marriageable age, purportedly are in love with each other and got married on 17.06.2019 at Panchkula according to Hindu Rites and Ceremonies. Photographs of their marriage have been appended with the petition.*

*7 to 16. xxx xxx*

*17. The issue in hand, however, is not marriage of the petitioners, but the deprivation of fundamental right of seeking protection of life and liberty. I have no hesitation to hold that Constitutional Fundamental Right under Article 21 of Constitution of India stands on a much higher pedestal. Being sacrosanct under the Constitutional Scheme it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of any marriage between the parties.*

*18. It is the bounden duty of the State as per the*

*Constitutional obligations casted upon it to protect the life and liberty of every citizen. Right to human life is to be treated on much higher pedestal, regardless of a citizen being minor or a major. The mere fact that the petitioners are not of marriageable age would not deprive them of their fundamental right as envisaged in Constitution of India, being citizens of India.*

*19. In view of the discussion above, the Senior Superintendent of Police, Batala is directed to verify the contents of the petition particularly the threat perception of the petitioners and thereafter provide necessary protection qua their life and liberty, if deemed fit.*

*20. It is clarified that this order shall neither be treated as a stamp of this Court qua marriage of the petitioners nor any reflection on the merits of the contentions raised by them in the present petition.*

*21. The writ petition is, accordingly, disposed of. ”*

*Notice of motion.*

*On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and seeks time to get instructions.*

*Adjourned to 10.12.2021.*

*In the meantime, respondent No.2-Senior Superintendent of Police, is directed to look into representation dated 12.10.2021 (Annexure P-6) and after assessing the threat perception, takes appropriate action in accordance with law.”*

Learned State counsel has filed reply in the present case and paragraph 6 of the said reply is reproduced hereinbelow:-

*“6. That it is respectfully submitted that as per statements of the petitioners, they are in living in live-in relationship for about last one year. The engagement of the petitioners was made with consent of their respective*

*parents on 15.05.2021 and father of the petitioner no. 2, had told that he would solemnize marriage of the petitioner no. 2 with the petitioner no. 1 when she would attain the age of majority i.e.18 years, but thereafter respondent no. 5 Avtar Singh was retracting from his promise and was extending threat to solemnize marriage of petitioner no. 2 somewhere else. Therefore, the petitioners filed the present petition before this Hon'ble Court, but now both the petitioners are living with their respective families and they have stated that they do not have any danger from parents of the petitioner no.2 and they do not need any kind of police security. However, if the petitioners shall have any kind of need for protection of their lives and liberty then the same would be provided to them immediately. The report of SHO PS B-Division, Amritsar is annexed herewith as Annexure R-3/T for the kind perusal of this Hon'ble Court.”*

In view of the reply filed by the State, learned counsel for the petitioners has submitted that the present petition has become infructuous. He has further submitted that in case there is any apprehension in future to the petitioners, they will first approach the Senior Superintendent of Police, who may be directed to look into the matter.

In view of the reply of the State and in view of the statement made by learned counsel for the petitioners, the present petition is disposed of as having been rendered infructuous.

In case there is any apprehension in future to the petitioners, they will first approach the Senior Superintendent of Police, who will look into the matter in accordance with law.

**(VIKAS BAHL)**  
**JUDGE**

**December 10, 2021**

*Davinder Kumar*

DAVINDER KUMAR  
2021.12.11 14:54  
I attest to the accuracy of  
this order

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No