

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

CRWP-10211-2021

Date of decision: - 29.10.2021

Kirandeep Kaur and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

Mr. Viranjeet S. Mahal, Additional PP,
for respondent No.9-U.T., Chandigarh.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed by the petitioners seeking protection on the ground that they apprehend danger to their life & liberty at the hands of respondents No.4 to 8.

Learned counsel for the petitioners submits that though, petitioner No.1 is minor in age, but she has performed marriage with petitioner No.2.

On being asked that who performed the marriage of the petitioners, learned counsel for the petitioners is unable to reply to the

same as no name of the priest, who performed the marriage between of petitioners, has been mentioned.

Be that as it may, the duty of the Court is to protect the life and liberty of the citizens in case any apprehension is projected by them with due corroboration.

Learned counsel for the petitioners very fairly submits that as petitioner No.1 is minor in age and as of now, there is no cogent evidence of marriage between the petitioners produced before this Court coupled with the fact that petitioner No.1 does not want to go back to her family, she be kindly sent to the Children's Home-Snehalaya for Girls, Sector 15, Chandigarh till she attains the age of majority. Learned counsel for the petitioners further submits that on his oral request, the Chandigarh Administration through SHO, Police Station North, Sector 3, Chandigarh be impleaded as respondent No.9 in the present petition.

The said prayer of learned counsel for the petitioners is accepted and the Chandigarh Administration through SHO, Police Station North, Sector 3, Chandigarh is impleaded as respondent No.9.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondents No.1 to 3-State and Mr. Viranjeet S. Mahal, Additional PP, who is also present in Court, accepts notice on behalf of respondent No.9-U.T., Chandigarh.

Learned counsel appearing on behalf of respondent No.9 very fairly submits that the Chandigarh Administration will have no

problem in accommodating petitioner No.1 in Children's Home-Snehalaya for Girls, Sector 15, Chandigarh till she attains the age of majority in case any such direction is given by this Court.

Keeping in view the facts and circumstances of this case, as petitioner No.1, who is minor in age, does not intend to go back to her family apprehending threat to her life and liberty, a direction is issued to the Chandigarh Administration i.e. Respondent No.9 to admit petitioner No.1 in the Children's Home-Snehalaya for Girls, Sector 15, Chandigarh till she attains the age of majority and all the expenses for the said admission including boarding and lodging will be borne by the Chandigarh Administration and petitioner No.1 undertakes to obey all the required norms for the said lodging and boarding.

It is made clear that in case, prior to the attaining age of majority, petitioner No.1 intends to go back to her family, the authorities of the Children's Home-Snehalaya for Girls, Sector 15, Chandigarh will consider the said request and in case, they find that the said request is in the welfare of the minor, the same will be allowed, but after petitioner No.1 attains the age of majority, she will be at liberty to reside wherever she deems fit keeping in view the welfare of her life.

With regard to petitioner No.2, it has been mentioned that petitioner No.2 has already raised the grievance qua threat to his life and liberty, vide representation dated 21.10.2021 (Annexure P-4) before the respondent No.2-the Senior Superintendent of Police, Sri Muktsar Sahib and he will be satisfied in case a direction is issued to respondent No.2 to decide the said representation dated 21.10.2021 (P-4).

Without making any observation on the merits of the case, especially in respect of the validity of marriage performed by the petitioners, a direction is issued to respondent No.2 to decide the said representation dated 21.10.2021 (P-4) by passing an appropriate speaking order, within a period of eight weeks from today and in case, any action is required to be undertaken to safeguard the life and liberty of petitioner No.2, the same be also taken so that no harm is caused to the life and liberty of petitioner No.2 at the hands of the private respondents.

It is made clear that this Court is not making any observation qua assertion of the petitioners that they had got married or the validity of their marriage.

Present writ petition is disposed of in terms recorded herein before.

(HARSIMRAN SINGH SETHI)
JUDGE

October 29, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No