

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(232)

CRWP-10401-2021.
Date of Decision:-15.12.2021.

Gurpreet Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Himani Kapila, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction especially a writ in the nature of Mandamus directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners.

On 2.11.2021, this Court was pleased to pass the following order:-

“On a pointed query put by this Court, learned counsel for the petitioners has very fairly stated that neither the petition has been signed by petitioner No.1 nor any documents of petitioner No.1 have been annexed. It is further stated that the representation as well as power of attorney has also not been signed by petitioner No.1. However, he has very fairly submitted that the age of petitioner No.1 is 17 years, 11 months and 1 week and has submitted that the private respondents were forcibly marrying off petitioner No.1 at the said minor age and it is on the said account that she has left the house on

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*26.10.2021 and come to the house of petitioner No.2 and thus, she has apprehension that harm could be caused to both the petitioners in case the protection is not granted to them. It is further contended that the petitioners have given a representation dated 27.10.2021 (Annexure P-2) to respondent No.2. Learned counsel for the petitioners has also relied upon the judgment of the Coordinate Bench of this Court in **Jashanpreet Kaur and another vs. State of Punjab and others**, reported as **2019(4) RCR (Civil) 183**.*

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and seeks time to get instructions.

Adjourned to 15.12.2021.

In the meantime, respondent No.2-Senior Superintendent of Police, District Gurdaspur is directed to look into representation dated 27.10.2021 (Annexure P-2) and after considering the threat perception to the petitioners, respondent No.2 will take appropriate action in accordance with law.

It is, however, clarified that if petitioner No.1 has not given authorization to file the present petition, then the same would be dismissed with costs.”

Learned counsel for the petitioner has submitted that subsequent to this petition being filed and order being passed, petitioner No.1 has become major on 20.11.2021 and has married petitioner No.2 on 23.11.2021 and they are still apprehending danger to their life and liberty.

Learned State counsel, on instructions from ASI Daljeet Singh, has submitted that the petitioners have given a statement that they are living happily

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and at present, there is no apprehension to their life and liberty.

Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction that in case the petitioners have any apprehension to their life and liberty, then it would be open to the petitioners to move a representation to respondent No.2-Senior Superintendent of Police, Gurdaspur, District Gurdaspur and on receipt of such representation, after considering the threat perception to the petitioners, respondent No.2 would take appropriate action, in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation, if any, made with a limited prayer aforesaid.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any case.

(VIKAS BAHL)
JUDGE

December 15, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No