

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

CRWP No.406 of 2022 (O&M)

DATE OF DECISION: 20.01.2022

Sarabjeet Kaur and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arjun Atri, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (Oral):

Heard in virtual mode.

The present petition under Article 226 of the Constitution of India has been filed for directing the official respondent Nos.2 and 3 to take action on the representation dated 11.01.2022 (Annexure P-3) for protecting the life and liberty of the petitioners at the hands of respondent Nos.4 to 8.

Learned counsel for the petitioners would contend that the date of birth of petitioner No.1 is 07.10.2004 and as on date she is aged about 17 years and 03 months. Copy of her Aadhaar Card has been appended as Annexure P-1. The date of birth of petitioner No.2 is 03.04.2003 and he is a major. Copy of his Aadhaar Card has been appended as Annexure P-2. The learned counsel would further contend that the petitioners came in contact with each other and became friends. The petitioner No.1 with her own free will and consent has decided to live with petitioner No.2. It has further been contended that the parents of petitioner No.1 wanted to get her married against her wishes and, therefore, petitioner No.1 left her parental home with her free consent on 11.01.2022. Learned counsel for the petitioners further

states that petitioner No.2 is stated to be earning well. The petitioners both apprehend danger to their life and liberty at the hands of the private respondents. In this regard, a representation dated 11.01.2022 (Annexure P-3) was given to the Senior Superintendent of Police, District Patiala – respondent No.2. However, no action has been taken qua the same. The learned counsel for the petitioners has placed reliance on the orders passed by a Co-ordinate Bench of this Court in CRWP-5335-2021, decided on 11.06.2021 (*Manpreet Singh and another vs. State of Punjab and others*) and CRWP-4725-2021, decided on 03.06.2021 (*Seema Kaur and another vs. State of Punjab and others*) to contend that even in case where one of the petitioners is just short of turning major, protection has been granted.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab has joined the session through video conferencing and accepts notice. Learned counsel for the State submits that he has no objection in case a direction is issued for deciding the representation dated 11.01.2022 (Annexure P-3) in accordance with law.

Heard.

The petitioner No.1 in the present case, who is aged about 17 years and 03 months as of today, has left the house of her parents voluntarily and is now residing with petitioner No.2, who is a major and is stated to be earning well. The petitioners both apprehend danger to their life and liberty at the hands of the private respondents. In the present petition, the validity of the relationship is not to be gone into. However, the apprehension of the petitioners that they fear for their life and liberty needs to be addressed.

In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction to the Senior Superintendent of Police, Patiala – respondent No.2 – to decide the representation dated 11.01.2022 (Annexure P-3) and take necessary action as per law.

It is, however, made clear that this order shall neither be construed as an expression of opinion on the veracity of the contents of the present petition nor a stamp on the validity of the alleged live-in-relationship of the petitioners and shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off.

20.01.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO