

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

229

**CRWP-2864-2021 (O&M)
Date of Decision: 05th April, 2022**

SARABJIT SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Lakhwinder S. Lakhanpal, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

The petitioners namely Sarabjit Singh and Payal Gujjar have approached this Court under Article 226 of the Constitution of India for seeking protection of their life and personal liberty from private respondent No.4.

The contention of the petitioners is that they are major, aged 22 years and 20 years respectively. In support thereof, copy of the Aadhar Card pertaining to the petitioner no.1 and copy of affidavit of petitioner No.2 declaring her date of birth as 01.07.2001 have been appended. The petitioners further contend that they have performed marriage against the wishes of their parents. The marriage of the petitioners was solemnized on 15.03.2021 at Sri Guru Ravidass Gurudwara Sahib according to Sikh rites and ceremonies. A copy of marriage certificate (Annexure P-3) has also been appended. The petitioners apprehend threat to their lives and claim that there is a constant danger of being implicated in a false case.

Notice of motion had been issued vide order dated 23.03.2021. State counsel had put an appearance on behalf of the respondents No.1 to 3. Notice, however, could not be issued to respondent No.4 for want of process fee. Despite lapse of nearly one year, the counsel has failed to assign any reason for the default.

For the order that I propose to pass, there is no need to delay the proceeding for seeking appearance of the respondent No.4.

Mr. Karanbir Singh, AAG, Punjab has informed the Court that upon verification, it is found that the petitioners are not residing at the address as given in the petition. He further submits that State has no objection to look into the matter afresh, subject to the petitioners furnishing requisite documents to substantiate their assertion as regards their being residents of the said village.

Learned counsel for the petitioners states that a representation dated 15.03.2021 (Annexure P-4) has also been submitted by the petitioners to the respondent No.2-Senior Superintendent of Police, Amritsar, Punjab.

Learned State counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given, subject to verification of the residence proof of the petitioners.

Without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Amritsar, Punjab to look into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 15.03.2021 (Annexure P-4) and take appropriate action for protection of their lives and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against the petitioners nothing in this order shall be construed as a bar for taking appropriate action by the police authorities in respect thereof in accordance with law.

The Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2- Senior Superintendent of Police, Amritsar, Punjab for requisite compliance.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

05.04.2022
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**