

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

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CRWP-3881-2022 (O&M)

Date of decision: 27.04.2022

ARPANDEEP KAUR AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Reena Verma, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to protect the life and liberty of the petitioners at the hands of the private respondents.

Learned counsel for the petitioners submits that petitioner No.1 is major, but petitioner No.2 (boy) born on 05.01.2002, though major, is not of marriageable age and that they have solemnized marriage against the wishes of the private respondents and have sought protection to their life and liberty. They have placed on record the certificate and photographs, evidencing their marriage, as Annexures P-3 and P-4, respectively. The petitioners have submitted a representation dated 21.04.2022 (Annexure P-5) to respondent No.2-Senior Superintendent of Police, Batala, District Gurdqasour.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by a Coordinate Bench of

this Court in the case of Kawaljeet Kaur and another vs. State of Punjab and others CRM-M-17069-2019, decided on 24.06.2019 and the judgment passed by the Delhi High Court in Jitender K. Sharma Vs. State and another 2001 (7) AD (Delhi) 785.

Notice of motion to the respondents No.1 to 3-State only.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of respondents No.1 to 3-State only.

A complete set of paper-book has already been supplied to the learned State counsel, during the course of the day.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere fact that petitioner No.2 is not of a marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Senior Superintendent of Police, Batala, District Gurdaspur, to decide the representation dated 21.04.2022 (Annexure P-5), moved by the petitioners in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law if any committed by them.

27.04.2022

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No