

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRWP-7510-2022

Date of Decision:05.08.2022

Dharampreet Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Ms. Mandeep Kaur Kahlon, Advocate,
for the petitioners.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

The instant criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to the officials respondents No.2 to 4 to initiate action on the representation dated 01.08.2022 (Annexures P-5) submitted to the official respondents No.2- Senior Superintendent of Police, Amritsar Rural, District Amritsar for protecting of the life and liberty of the petitioners and with a further direction that the private respondents should not interfere in the personal life of the petitioners.

2. Learned counsel appearing on behalf of the petitioners has contended that the petitioners, namely Dharampreet Singh, aged 20 years and 07 months and Ajaymeen Kaur, aged 17 years respectively have solemnized their marriage at Gurudwara Shri Singh Sabha, village Vehra,

Tehsil Ajnala, District Amritsar as per Sikh rites and rituals and both the petitioners are running from pillar to post to save their lives from the hands of respondent Nos.5 to 7. It is further submitted that the petitioners have not been married to any other person earlier.

3. Reference can be made to certain orders/judgements of this Court passed in CRWP-6660-2020 titled as *Jyoti Vs. State of Haryana & Ors* decided on 01.09.2020; CRWP-3990-2020 titled as *Roopa Vs. State of Haryana & Ors* decided on 22.06.2020; CRWP-1525-2020 titled as *Sarabjeet Kaur & Another Vs. State of Punjab & Ors* decided on 12.02.2020; CRWP-29048-2019 titled as *Navpreet Kaur & Another Vs. State of Punjab & Ors* decided on 04.10.2019. A reference can also be made to the judgement of this Court reported as 2019(4) RCR (Civil) 183 titled as *Jashanpreet Kaur & Another Vs. State of Punjab & Ors*.

4. The gist of the aforesaid orders/judgements was to the effect that merely because the petitioners are not of marriageable age, it would not deprive them of their fundamental right to seek protection of their lives and liberties. The Court examined the issue in the context of the Hindu Marriage Act, 1955 and held that merely because the petitioners are not of the marriageable age and the marriage performed, if any, would be hit by Section 5(iii) of the Hindu Marriage Act 1955, the same being only a civil consequence qua the validity of the marriage, their rights under Article 21 of the Constitution of India cannot be denied as they stand on a much higher pedestal. Life and liberty of the persons is sacrosanct being integral to their being, it ought to be protected regardless of solemnization of invalid or void marriage or even in the absence of any marriage amongst the parties. In all the said matters, the respective SSPs/SPs were directed to verify the threat

perception and to take necessary steps to provide protection to the life and liberty of the petitioners, if deemed fit and necessary.

5. I have heard learned counsel for the parties and have gone through the documents appended by them with the petition. Learned counsel for the petitioners further submits that the dispute in present case would be covered by the judgment of this Court decided on 28.03.2022 in CRWP No. 2139-2022 (O&M) titled as *P.....Minor through Vikram Versus State of Haryana and others*” and that he would be satisfied if the present petition is disposed of in terms of the said judgment.

6. The said prayer is not objected by the learned counsel appearing on behalf of State of Punjab.

7. The present petition is thus disposed of in terms of the judgment passed in CRWP No. 2139-2022 (O&M) titled as *“P.....Minor through Vikram Versus State of Haryana and others”* with the consent of both the parties.

The petition is disposed of.

August 05, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No