

CRWP-10316-2020

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

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Date of decision:25.07.2022

Harpreet Singh and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sudesh Sahi, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Nitin Sharma, Advocate,
for respondents No.5 to 8.

HARNARESH SINGH GILL, J. (ORAL)

The present criminal writ petition has been filed under Article 226/227 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to protect the life and liberty of the petitioners at the hands of respondents No.5 to 9.

Vide order dated 10.12.2020 passed by a Coordinate Bench, respondent No.3-Senior Superintendent of Police, Ludhiana, was directed to take over custody of petitioner No.2 from petitioner No.1 and she was ordered to be kept in Gandhi Vanita Ashram, Jalandhar.

Learned counsel for the petitioners contends that the petitioners had been living in a live-in-relationship against the wishes of the private respondents; that on attaining the age of majority, petitioner No.2 wanted to get married to petitioner No.1, and that petitioners had

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apprehension of danger to their life and liberty at the hands of respondents No.5 to 9. Learned counsel further contends that the petitioners had also moved representation dated 02.12.2020 (Annexure P-2), before respondent No.3-Senior Superintendent of Police, Ludhiana, for redressal of their grievance. In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899; and *Indra Sarma Vs. V.K.V. Sarma*' 2013(15) SCC 755.

Learned counsel further contends that petitioner No.1 was arrested by the police on 16.02.2021, but he has since been released on bail; that during the pendency of present petition, petitioner No.2 has attained the age of majority, and that she may be released from the Gandhi Vanita Ashram, Jalandhar, and allowed to join the company of petitioner No.1.

Vide order dated 04.07.2022, learned State counsel was directed to take instructions regarding the age of petitioner No.2.

Learned State counsel submits that date of birth of petitioner No.2 is 11.04.2004; that she has now attained the age of majority, and that she has been presently kept in Gandhi Vanita Ashram, Jalandhar.

Learned counsel for respondents No.5 to 8 submits that petitioner No.2 has now attained the age of majority and that respondents No.5 to 8 have no objection, if she joins the company of petitioner No.1.

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

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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. Moreover, petitioner No.2 has attained the age of majority.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.3-Senior Superintendent of Police, Ludhiana, to decide the representation dated 02.12.2020 (Annexure P-2), moved by the petitioners in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

Keeping in view the fact that petitioner No.2 has now attained the age of majority, Incharge, Gandhi Vanita Ashram, Jalandhar, is directed to release petitioner No.2-Kulwinder Kaur, and allow her to join the company of petitioner No.1-Harpreet Singh.

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.

25.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No