

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

CRWP-9875-2022

Date of decision : 17.10.2022

Prabhjot Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raman Kumar, Advocate for
Mr. Rajeev K. Kapila, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India for directing the official respondents to protect the life and liberty of the petitioners.

It is the case of the petitioners that they both are major inasmuch as petitioner no.1 was born on 25.09.1999 as is apparent from his Aadhar Card (Annexure P-1) and petitioner no.2 was born on 06.03.2000 as is apparent from her Aadhar Card (Annexure P-2), and have married each other on 05.09.2022, with their free consent and without any pressure and that this is their first marriage. Reliance has been placed upon the marriage certificate and photographs (Annexure P-3 and P-4). It is also stated by the learned counsel for the petitioners that a detailed representation dated 05.09.2022 (Annexure P-5) has also been given to respondent no.2 with regard to the same. It is submitted that the petitioners had earlier filed a CRWP no.8656-2022 which was dismissed on 08.09.2022 by a coordinate Bench of this Court being

premature since it was observed that the representation had been given on 05.09.2022 and the petition had been filed immediately thereafter. It is further submitted that the earlier petition was not dismissed on merits and after passing of the order dated 08.09.2022, more than one month's time has elapsed and yet no action has been taken on representation dated 05.09.2022, thus, the present petition, in view of the said change of circumstances, is maintainable.

Notice of motion to respondent nos.1 to 3 only.

On advance notice, Mr. Tarun Aggarwal, Sr.DAG, Punjab, appears and accepts notice on behalf of respondent nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent no.2-Commissioner of Police, District Jalandhar, looks into the representation dated 05.09.2022 (Annexure P-5) and takes appropriate action, in accordance with law.

After considering the above said facts and without commenting upon the legality of the marriage and expressing any opinion on merits of the case, the present Criminal Writ Petition is disposed of with direction to respondent no.2-Commissioner of Police, District Jalandhar, to look into the representation dated 05.09.2022 (Annexure P-5) and after considering the threat perception to the petitioners, respondent no.2 will take appropriate action in accordance with law.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

October 17, 2022.

Davinder Kumar

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No