

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRWP-3361-2023

Date of decision : 12.04.2023

Kumkum and another

Petitioners

V/S

State of Punjab and others

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Priyanshu Kumar, Advocate for the petitioners.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Article 226 of the Constitution of India, prayer has been made for issuance of direction to respondents No.2 and 3 to protect the life and liberty of the petitioners from danger at the hands of respondents No.4 to 7 as they want to marry each other against the wishes of their parents.

Learned counsel for the petitioners contends that the petitioners are living in live-in-relationship and they want to marry each other when petitioner No.1 attains the age of majority after one month. They have right to live their life on their own terms. However, the private respondents are adamant to separate them from each other by resorting to illegal means. Learned counsel further submits that in view of imminent danger to the life and liberty of the petitioners, petitioners have moved a representation dated 03.04.2023 (Annexure P-3) to respondent No.2-Senior Superintendent of Police, Fazilka.

Notice of motion to official respondents No.1 to 3 only at this stage.

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On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 to 3.

I have heard learned counsel for the petitioners and the State and perused the paper book.

Having regard to the facts and circumstances of the case, I am of the view that 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.

In view of the above, this petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Fazilka to look into the representation dated 03.04.2023 (Annexure P-3) of the petitioners seeking protection of life and liberty and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty of the petitioners.

It is, however, clarified that in case there is any criminal case registered against the petitioners, this order shall not be construed as an impediment for the law enforcing agency to proceed against the petitioners in accordance with law.

12.04.2023.

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No