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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5686-2023

Date of Decision:06.06.2023

KAJAL AND ANR

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Deep Singh Saini, Advocate
for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab
for respondents No.1 to 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners, through instant petition under Article 226 of the Constitution of India are seeking protection of their lives and liberty as guaranteed by Article 21 of the Constitution of India.

2. Notice of motion.

3. On the asking of the Court, Mr. Shiva Khurmi, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3-State. Service of notice to the private respondents is dispensed with as no adverse order is passed against them.

4. As per petition and documents enclosed therewith i.e. Aadhar Card issued by the Government of India, petitioner- Kajal is aged 26 years and petitioner No.2- Jaspreet Singh is aged 35 years. The petitioners are major and they have solemnized marriage on 02.06.2023.

In support of their contention, the petitioners have enclosed marriage

certificate dated 02.06.2023 (Annexure P-3) issued by Gurudwara.

5. The petitioners have made a representation dated 02.06.2023 (Annexure P-6) to Commissioner of Police, Ludhiana seeking protection of life and liberty. The petitioners have no apprehension of causing any injury on the part of the police or other Government authorities whereas the petitioners are claiming that there is apprehension that relatives of the petitioners may cause injury and put their lives to endanger.

6. While dealing with interference in conjugal life, the Apex Court in Lata Singh versus State of U.P. (2006) 5 SCC 475 has held:-

“The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo intercaste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who

undergoes such inter-caste or interreligious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes intercaste or interreligious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law”.

7. In terms of the Hon'ble Supreme Court observations, the official respondents are directed to examine the representations of the petitioners and to ensure protection while appreciating the fact that there is threat to their life. This order shall not validate the marriage of the couple in any manner.

(JAGMOHAN BANSAL)
JUDGE

06.06.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>