

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRWP-7763-2022

Decided on : 27.03.2023

Sandeep Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. M.S. Bhatti, Advocate for
Mr. Bikram Jit Singh Randhawa, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab.
(On instructions from ASI Sharma Singh).

SANJAY VASHISTH, J. (Oral)

Order dated 23.08.2022 passed by Co-ordinate Bench of this

Court says as under:

“Present: *Mr. Bikram Jit Singh Randhawa, Advocate for
the petitioner.
Mr. P.S. Grewal, DAG, Punjab.*

CRM-W-1066-2022

Application is allowed, as prayed for.

*Representation dated 17.08.2022 (Annexure P-3) is
taken on record, subject to all just exceptions.*

Main case

*Learned counsel for the petitioner inter alia contends
that the petitioner-Sandeep Kaur, who is 17 years of age, had
given a representation dated 17.08.2022 (Annexure P-3) to
the Senior Superintendent of Police, District Ferozepur-
respondent No.2 for protection of her life and liberty. It is
further stated by the petitioner in the representation that her
parents are forcing her to marry an older man who is over 40
years of age and thus, she is residing with one Karanbeer
Singh and it is father of the said Karanbeer Singh through
whom the present petition has been filed.*

*Learned counsel for the petitioner has relied upon the
judgment passed by the Coordinate Bench of this Court in
case **Jashanpreet Kaur and another Vs. State of Punjab and
others**, reported as **2019(4) RCR (Civil) 183**, in which case
although, girl therein was aged about 15 years and 8 months
and boy was aged about 19 years and 3 months, yet the
Coordinate Bench after considering the provisions of Hindu*

Marriage Act, 1955, was pleased to protect the life and liberty of the petitioners therein. The relevant portions of the said judgment is reproduced hereinbelow:-

“1 to 5 xxx xxx

6. Facts, as pleaded in the petition, succinctly are that the petitioner No.1, a minor girl born on 04.10.2003 and petitioner No.2, a boy born on 10.03.2000, though a major, but not of marriageable age, purportedly are in love with each other and got married on 17.06.2019 at Panchkula according to Hindu Rites and Ceremonies. Photographs of their marriage have been appended with the petition.

7 to 16. xxx xxx

17. The issue in hand, however, is not marriage of the petitioners, but the deprivation of fundamental right of seeking protection of life and liberty. I have no hesitation to hold that Constitutional Fundamental Right under Article 21 of Constitution of India stands on a much higher pedestal. Being sacrosanct under the Constitutional Scheme it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of any marriage between the parties.

18. It is the bounden duty of the State as per the Constitutional obligations casted upon it to protect the life and liberty of every citizen. Right to human life is to be treated on much higher pedestal, regardless of a citizen being minor or a major. The mere fact that the petitioners are not of marriageable age would not deprive them of their fundamental right as envisaged in Constitution of India, being citizens of India.

19. In view of the discussion above, the Senior Superintendent of Police, Batala is directed to verify the contents of the petition particularly the threat perception of the petitioners and thereafter provide necessary protection qua their life and liberty, if deemed fit.

20. It is clarified that this order shall neither be treated as a stamp of this Court qua marriage of the petitioners nor any reflection on the merits of the contentions raised by them in the present petition.

21. The writ petition is, accordingly, disposed of. ”

Notice of motion for 29.09.2022.

In the meantime, respondent No.2-Senior Superintendent of Police, Ferozepur is directed to look into the representation dated 17.08.2022 (Annexure P-3) and after considering the threat perception to the petitioner, respondent No.2 will take appropriate action in accordance with law.”

On the previous date of hearing, it was noticed that notices to the respondent could not be issued due to non-filing of process fee by the petitioner.

Today, also there is office report that requisite process fee has not been filed by the petitioner.

On the other hand, in compliance to the order dated 23.01.2023, status report dated 27.03.2023, by way of affidavit of Surinder Pal, PPS Deputy Superintendent of Police (City), Ferozepur, District Ferozepur on behalf of the respondents No.1 to 3, has been filed by learned State counsel, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned State counsel refers Para 6 of the said status report which says as under:

“6. After getting the copy of order dated 23.01.2023 passed by this Hon'ble Court, a statement of petitioner was recorded in which she had categorically stated that her date of birth is 14.03.2005 and Karan has abducted her due to which her father has registered a case against him. Now she is residing with her parents and now matter has been compromised with private respondents and she has no apprehension at the hands of her family members. Copy of statement is attached herewith as Annexure R-1/T.”

Statement of the petitioner as recorded by the respondent-State is also annexed with the petition with the said Status report as Annexure R-1, which says as under:

“Statement of Sandeep Kaur daughter of Joginder Singh son of Cajan Singh resident of village Atari, PS Aritke, aged about 18 years, 98556- 44742.

I am a resident of the above address and my date of birth is 14.03.2005 and I am studying in 12 in Govt. Senior Secondary School. Atari. On 02.08.2022 at about 4 AM Karan son of Nirmal Singh resident of village Gaindhar PS Arifke abducted me and in this regard my father got a registered case against Karan. After about 15/16 days I returned back to my parental house and now I am residing with my parents. I have filed a petition bearing No. CRWP No.7763/2022 before the Hon'ble Punjab and Haryana High Court, Chandigarh, now matter has been compromised between us and Karan, so there is no apprehension to my life and liberty and I don't want to proceed with my petition. I recorded my statement, and head the same is correct.”

Faced with the situation, counsel appearing on behalf of the petitioner seeks withdrawal of the present petition.

Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

March 27, 2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No