

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP No.8503 of 2023 (O&M)
DATE OF DECISION: 29th AUGUST, 2023

Bakhshish and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gurjant Singh, Advocate
for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent Nos.1 to 3 to protect the life and liberty of the petitioners from the hands of respondent No.4 and for not harassing the petitioners on any false criminal complaint, if any lodged by the private respondent and any of their relatives, with certain other prayers made in the present petition.

2. Both the petitioners are identified by their counsel. They seek protection of their life and liberty by contending that both of them having attained the age of majority, have married each other against the wishes of their respective family members/respondent No.4 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to the Senior

Superintendent of Police, Fazilka on 24.08.2023, but are still apprehensive about their safety and security in view of the alleged inaction of the police and the alleged clout of their family members/respondents.

3. Notice of motion to the State only.

4. Mr. Sandeep, Addl. Advocate General, Punjab, accepts notice on behalf of the State.

5. Both of them do appear to have crossed the age of majority as seen from the copies of documents filed and claim to have married each other, in support of which photographs (Annexures P-4) have been placed on record.

6. For the aforesaid reasons, this appears to be a fit case for this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India to ensure the right to life and liberty as guaranteed to them by Article 21 of the Constitution.

7. Thus, the Senior Superintendent of Police, Fazilka is directed to consider the representation dated 24.08.2023 (Annexure-P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

8. It is nevertheless clarified that this order is issued only on the premise that the petitioners have crossed the age of majority; as seen from the documents placed on record; being Aadhar card of the petitioners No.1 & 2 (Annexures P-1 & P-2). The petitioners have produced on record a copy of the alleged certificate (Annexure P-3) qua their stated marriage. However, this order would not ipso facto amount to granting any seal of approval on the legality of their marriage, which

essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

9. The petition is disposed off with the above direction.

29th AUGUST, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No