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CRWP-5436-2024 (O&M)

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112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5436-2024 (O&M)
DATE OF DECISION : 07.06.2024

DISHA MITTAL AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB & OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. D.D.Sharma, Advocate for the petitioners.

Mr. Malkit Singh Dhillon, DAG Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of direction to respondents Nos. 1 to 3 to protect the life and liberty of the petitioners from the hands of private respondents No. 5 & 6 who have married against the wishes of private respondents.

[2] The learned counsel for the petitioners submits that petitioner No.1-Disha Mittal aged about 18 years and petitioner No.2-Gursharan Singh, aged about 21 years have got married on 24.05.2024 according to Sikh rites and ceremonies against the wishes of respondents No. 5 & 6, who are relatives of petitioner No.1. The marriage certificate is annexed as Annexure P-3. However, they are apprehending threat from the hands of respondents No. 5 & 6. On 27.05.2024, the petitioners feeling imminent danger to their life and liberty approached respondents No. 2 to 3 and a written representation dated 27.05.2024 (Annexure P-4) has been submitted

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they are facing constant threat from the private respondents No. 5 & 6.

[3] Notice of motion.

[4] On the asking of the Court, Mr. Malkit Singh Dhillon, DAG Punjab, who is present in the Court accepts notice on behalf of respondent Nos. 1 to 4.

[5] In support of petitioners being major they have filed the photocopies of their Aadhar Cards and an affidavit in support of the averments made in the petition wherein petitioner No.1- Disha Mittal has alleged her date of birth as 10.12.2005 and petitioner No.2-Gursharan Singh has alleged his date of birth as 31.03.2003. Apart from this, copy of the marriage certificate and the representation given to the respondent Nos.2 to 4 have also been placed on record.

[6] In view of this, the present petition is disposed of with a direction to respondent No.2 to look into the representation dated 27.05.2024, qua threat perception and if there is any substance in it, take necessary steps, in accordance with law, to ensure that lives and liberty of petitioners is not jeopardized at the hands of the private respondents.

[7] This order may not be construed as an opinion regarding validity of the marriage alleged to have been solemnized by the petitioners.

[8] Further, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to age of the petitioners or the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, this order shall not be

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construed to be a bar on proceedings to be initiated as per law.

[9] All pending miscellaneous application(s), if any, stands disposed of.

07.06.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No