
(2020) 09 P&H CK 0044

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 7098 Of 2020 (O&M)

Ginni And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 14-09-2020

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 09 P&H CK 0044

Hon'ble Judges : Rajbir Sehrawat, J

Bench : Single Bench

Advocate : Neesh Garg

Final Decision : Disposed Of

Judgement

Rajbir Sehrawat, J

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondents No.1 and 2 to protect the life and liberty of the petitioners at the hands of respondent Nos.3 and 4, not to harass or interfere in the peaceful married life of the petitioners.

The counsel for the petitioners has submitted that he has verified the identity of the petitioners.

Petitioner No.2 do appear to have crossed the age of majority as seen from the copy of documents filed. Although petitioner No.1 is not of 18 years of age. However, the counsel has relied upon judgments of this Court rendered in CRM-M No.2121 of 2015 - Jaswinder Kaur v. State of Punjab and others, CRM-M-5899 of 2014 - Sabba Singh @ Sarbjeet Singh @ Harmanpreet Singh v. State of Punjab and others and CRM-M No.35410 of 2010 - Neelam Rani and another v. State of Haryana and others, to contend that petitioner No.1 has reached the age of discretion and understanding and, therefore, the protection of life and liberty cannot be denied on the ground that petitioner No.1 is of the age of less than 18 years. The petitioners seek protection of their life and liberty by contending that

both of them have married each other against the wishes of their respective family members/ respondents No.3 and 4 and so seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to the COMMISSIONER OF POLICE, LUDHIANA on 30.08.2020, 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.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State.

Both of them claim to have married each other, in support of which photographs (Annexures P-4) have been placed on record.

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.

Thus, the COMMISSIONER OF POLICE, LUDHIANA is directed to consider the representation dated 30.08.2020 (Annexure-P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

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 AADHAAR CARDS of the petitioners No.1 & 2 (Annexures P-1 & P-2). The petitioners have produced on record a copy of the alleged marriage 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).

The petition is disposed of with the above direction.