

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.3048 of 2020
Date of Decision: 12.5.2020

Sumanpreet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Onkar Singh, Advocate for the petitioners

Ms.Monika Jalota, DAG, Punjab

RAJIV NARAIN RAINA, J. (ORAL):

1. Case is taken up for hearing through video conferencing due to pandemic of COVID-19.
2. Notice of motion.
3. On the asking of the Court, Ms. Monika Jalota, DAG Punjab accepts notice on behalf of the State.
4. Learned counsel for the petitioners submits that both the petitioners are major. The petitioners have annexed their Aadhar Card showing the date of birth of Petitioner No.1-Sumanpreet Kaur as in the year 2002 and petitioner no.2-Jobandeep Singh as on 25.2.1997. The petitioners apprehend that they may be arrested by respondents no.2 and 3 and also apprehend that private respondents may cause bodily harm and injury. The petitioners have approached this Court for issuance of directions to the local police of P.S.Chandher to protect their life and liberty apprehending danger and arrest.
5. On the other hand, on instructions from ASI Avtar Singh, SHO P.S. Chandher, District Amritsar, learned counsel for the State submits that

petitioner no.1- Sumanpreet Kaur is minor and an FIR has been registered in this regard.

6. Having heard learned counsel for the petitioners and the State, although there is a dispute regarding the age of the girl, yet the prayer is based on Article 21 of the Constitution of India, and therefore, deserves the immediate attention of the Police Department to ensure that the petitioners are not unduly harassed by anyone including the private respondents. **It is not for this Court in a protection petition to engage itself in social mores, norms and human behaviour or introduce personal ideas on morality.** Even if it is assumed that the girl is minor, it must be remembered that in the Hindu Marriage Act, 1956 marriage of a minor girl is not void but voidable on reaching the marriageable age.

7. Therefore, the Senior Superintendent of Police, Amritsar is directed to personally look into the matter and offer help, which is consistent with their safety. For this, the petitioners would contact the office of the Senior Superintendent of Police, Amritsar give their contact numbers, who will take up the matter immediately and take such action as is warranted by law so that no harm comes to the petitioners and they be not arrested in the FIR registered in this regard. These directions are issued as guided by the Supreme Court in Lata Singh vs. State of UP & another, 2006 (3) RCR (Criminal) 870.

8. With these directions, the instant petition is disposed of without expressing any opinion on the status of the petitioners in society.

12.5.2020
kv

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes
Yes/No