

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-20904-2015
Date of decision:2.7.2015**

Manpreet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Lovkesh Gupta, Advocate for the petitioners.**RAMESHWAR SINGH MALIK, J. (Oral)**

Petitioners, by way of instant petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seek direction to official respondents No. 1 to 3 to protect the life and liberty of the petitioners as they are facing threat to their life and liberty at the hands of private respondents No. 4 to 10.

Learned counsel for the petitioners submits that when the genuine grievance of the petitioners was not being redressed, they finally approached the Senior Superintendent of Police, Gurdaspur-respondent No.2 by way of representation dated 26.6.2015 (Annexure P-3) but the same is also pending decision. He further submits that both the petitioners are major. He places reliance on Annexures P-1 and P-2 in this regard. He would next contend that petitioners are residing in live-in-relationship with each other and they are entitled for protection to their life and liberty which is in danger because private respondents No. 4 to 10 are extending threats to the petitioners. In support of his contentions, learned counsel for the petitioners places reliance on a Division Bench of this Court in **Rajwinder Kaur and another v. State of Punjab and others, 2014 (4) RCR (CrI.) 785**. He also places reliance on order dated 25.6.2015 passed by this Court in **CRM-M-20418-2015 (Saveena and another v. State of Punjab and others)**, order dated 1.4.2015 passed in **CRM-M-10239-2015 (Pooja Kumari and another v. State of Punjab and others)** and order dated 11.7.2014 passed in **CRM-M-15640-2014 (Ronak and another v. State of Union Territory, Chandigarh and others)**. Learned counsel for the petitioners submits that in view

of the law laid down by the Hon'ble Supreme Court in **Indra Sarma v. V.K.V.Sarma, 2014 (1) RCR (Civil) 263** and **Lata Singh v. State of UP and another, 2006 (3) RCR (Crl.) 870**, petitioners are entitled for protection to their life and liberty which is in danger at the hands of private respondents No. 4 to 10.

The issue involved in the present case is a short one, that is to say, seeking only the protection to the life and liberty of the petitioners. This issue, in fact, is no more *res-integra*. The law, in this regard, has been laid down by the Hon'ble Supreme Court of India, in a catena of judgments including in the cases of **A.K.Gopalan versus State of Madras, AIR 1950 SC 27**, **Kartar Singh versus State of Punjab (1994) 3 SCC 569** and **Lata Singh versus State of UP & anr. 2006 (3) RCR (Criminal) 870**, which has been followed by this Court in the case of **Pardeep Kumar Singh versus State of Haryana 2008 (3) RCR (Criminal) 376**.

It is pertinent to note here that about three decades after A.K.Gopalan's case (supra) the Hon'ble Supreme Court further widened the scope of Article 21, in the case of **Maneka Gandhi versus Union of India, (1978) 1 SCC 248** thereby widening the scope of the law laid down in the A.K.Gopalan's case (supra). Thereafter, the Hon'ble Supreme Court, in long series of subsequent decisions, went on to explore the true meaning of the word "Life" in Article 21 and the recent one was rendered by the Constitution Bench in **State of West Bengal & others versus Committee for Protection of Democratic Rights & others (2010) 3 SCC 571**.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case and without commenting upon the nature of relationship of the petitioners, the Senior Superintendent of Police, Gurdaspur-respondent No.2 is directed to look into the representation dated 26.6.2015 (Annexure P-3), submitted by the petitioners and decide the same at an early date by passing an appropriate order thereon, to the limited extent, for providing protection to the life and liberty of the petitioners, restraining private respondents No. 4 to 10 or anybody else on their behalf, causing any harm to the life and liberty of the petitioners. Let the Senior Superintendent of Police, Gurdaspur-respondent No.2 pass the appropriate orders, strictly in accordance with law but in any case within a period of three weeks from the date of receipt of a certified copy of this order. Respondent No.2 is further directed to pass any interim order forthwith, if so required, under the circumstances of the present case, so as to ensure that no harm is caused to the life and liberty of the petitioners by private respondents No. 4 to 10 or anybody else on their behalf.

With the above-said observations made and directions issued, the present petition stands disposed of.

A copy of this order, under the signatures of Special Secretary attached to this Bench, be given dasti to the learned counsel for the petitioners.

2.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE