

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-19655-2018

Date of decision : 25.05.2018

Sonia and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Dhawaljeet Dutta, Advocate
for the petitioners.

Mr.Amandeep Singh Nirmaan, Advocate
for respondent no.6.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioners seek protection of their life and liberty at the hands of respondents no.4 to 7, who are stated to be the parents, brother and sister-in-law of petitioner no.1.

It is stated in the petition that the petitioners are both adults, petitioner no.1 being 33 years old and petitioner no.2 being 31 years old, in support of which contention copies of their Aadhar cards have been annexed with the petition.

It is further stated that the first petitioner is a teacher in a private school whereas the second petitioner is an agriculturist and that they are living together in a live in relationship.

It is also alleged that respondents no.4 to 7 are forcibly trying marry off petitioner no.1 with a person of their choice, who is stated to be handicapped and is 45 years of age.

Allegations of the petitioners being threatened at the hands of

aforesaid respondents have also been made in the petition.

Yet further, it is stated that though petitioner no.2 is married with one Rajbir Kaur, her mental condition is “not good”, for which reason petitioner no.2 has maintained a relationship with petitioner no.1 and that they have started living together.

The police not having granted them protection (as alleged), they have approached this Court to seek such protection of life and liberty.

Even before notice was issued, Mr.Amandeep Singh Nirmaan, Advocate, has appeared and submitted his power of attorney for respondent no.6, and has apprised this Court of the fact that petitioner no.2 is already married earlier. He therefore contends that the petitioners, as they are living in 'immoral relationship', should not be granted protection of life and liberty.

On specific query as to whether the petitioners are in any prohibited degree of sapinda relationship to each other or not, learned counsel for the petitioners on instructions submits that they are not, whereas learned counsel for respondent no.5 submits that he has no knowledge with regard thereto.

The fact that the petitioners are both well into in their adulthood is not denied by learned counsel for respondent no.5, even on specific query, who says so on instructions.

That being so, this petition being simply one seeking protection of life and liberty of the petitioners, the contentions made on behalf of respondent no.6, i.e. the brother of petitioner no.1, cannot be accepted, as this Court is not making any comment whatsoever on the validity of the relationship in the face of the marriage of petitioner no.2; with petitioner

no.1 however fully aware of the fact that petitioner no.2 is married earlier, (which knowledge is also affirmed by her upon a query by the Court).

Hence, protection of life and liberty being a fundamental right granted under Article 21 of the Constitution of India, this petition is allowed and respondents no.2 & 3, i.e. the SSP, Gurdaspur and the SHO, Police Station City Hargobindpur, District Gurdaspur, are directed to ensure that the life of the petitioners is duly protected; and as regards liberty, that it is duly protected within the four corners of law.

If any valid proceedings are initiated by a competent person against the petitioners on account of the fact that petitioner no.2 is already married, (including, naturally, the wife of petitioner no.2), such proceedings would continue as per law, but with no coercive action to be taken by the police, except on specific directions of a competent Court.

(AMOL RATTAN SINGH)
JUDGE

May 25, 2018.
D.K./dinesh

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