

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRWP No.5972 of 2020 (O&M)
DATE OF DECISION: 17.08.2020**

Rahul and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. M.D. Khan, Advocate for the petitioners

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ALKA SARIN, J.: (Oral)

Heard through video conferencing.

This is a petition under Article 226 of the Constitution of India seeking protection of life and liberty of the petitioners at the hands of respondent Nos.4 to 6.

Learned counsel for the petitioners has contended that the petitioners were known to each other for a long time which culminated into friendship and subsequently the petitioners solemnized their marriage on 05.08.2020. It is further contended that this is the second marriage of both the petitioners. Petitioner No.2 got Divorce/Talaq from her previous husband on 25.02.2019 before respectable persons while the wife of petitioner No.1 has no objection to the second marriage of her husband. However, no proof of the divorce of petitioner No.2 has been attached with the petition. The further contention is that the family members of petitioner No.1 are not happy with the marriage. The petitioners are receiving serious threats and apprehend grave danger to their life and liberty. The petitioners had also sent a representation dated 06.08.2020 (Annexure P-4) to

Commissioner of Police, Faridabad, respondent No.2, for protection of their life and liberty. However, no action has been taken till date.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, Assistant Advocate General, Haryana has joined the session through video conferencing and accepts notice on behalf of the official respondent Nos.1 to 3.

Heard learned counsel for the parties.

Since this Court is not deciding the case on merits, the service on private respondents is dispensed with. Article 21 of the Constitution of India guarantees protection of life and personal liberty. It lays down that no person shall be deprived of his or her personal liberty except according to the procedure established by law. In the present case the petitioners have approached this Court seeking protection of life and liberty. Irrespective of the status of the relationship of the petitioners, as individuals approaching this Court for protection of life and liberty as enshrined under Article 21 of the Constitution of India, this Court is duty bound to ensure that no person is deprived of his or her right to life or personal liberty except according to the procedure established by law. The Court in the present case is not dealing with the validity or social acceptance of the relationship of the petitioners but is only concerned that the threat perceived by the petitioners to their life and liberty, if found to be genuine, is addressed.

In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction to the Commissioner of Police, Faridabad, Haryana to decide the representation dated 06.08.2020 (Annexure P-4) submitted by the petitioners seeking protection of their life and liberty, after hearing all parties concerned and in accordance with law. It is, however, made clear

that any observations made above shall neither be treated as a stamp of this Court qua the relationship between the petitioners nor as an opinion on the contentions raised in the present petition.

The petition is disposed off accordingly.

**(ALKA SARIN)
JUDGE**

17.08.2020
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
