

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

CRWP-5978-2020

Date of decision :17.08.2020

Jyoti Rani

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Naveen Kashyap, Advocate
for the petitioner

..

ALKA SARIN, J.: (Oral)

Heard through video conferencing.

The present petition has been filed under Article 226 of the Constitution of India for issuing a direction to respondent Nos.1 to 3 for protection of life and liberty of the petitioner at the hands of respondent Nos.4 to 8.

It has been contended by the learned counsel for the petitioner that the date of birth of the petitioner is 01.01.1995. She got married to respondent No.4 in the year 2016. Respondent No.4 never treated her well and used to physically and mentally torture her. Respondent No.4 treated the petitioner with utmost cruelty and also gave her beatings on various occasions. The petitioner on being repeatedly harassed by the private respondents left the house of respondent No.4 and started living in her parents' house. The respondent No.4 would always bring the petitioner back by giving false assurances that he will change his behavior but all in vain. The petitioner has no children. The petitioner has since left her matrimonial home and sought shelter with one of her friends namely Bhagat Singh son of Phool Singh and is presently residing with the said Bhagat Singh. The petitioner had also made a representation dated 10.08.2020 (Annexure P/2) to the Superintendent of Police, Karnal for protection of her life and liberty and also that of her friend Bhagat Singh, but to no avail.

Notice of motion.

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

I have heard learned counsel for the parties.

Since this Court is not deciding the case on merits, service on respondent Nos.4 to 8 is dispensed with.

Article 21 of the Constitution of India guarantees protection of life and personal liberty to every person. It lays down that no person shall be deprived of his or her personal liberty except in accordance with the procedure established by law. In the present case, since the petitioner has approached this Court for protection of life and liberty as enshrined under Article 21 of the Constitution of India, irrespective of the status of her relationship with the said Bhagat Singh, this Court is duty-bound to ensure that she is not deprived of her personal liberty except according to the procedure established by law.

In view of the above, without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioner, the present petition is disposed of with a direction to the Superintendent of Police, Karnal, respondent No.2, to decide the representation dated 10.08.2020 (Annexure P/2) submitted by the petitioner seeking protection of life and liberty, after hearing the parties concerned and in accordance with law.

It is, however, made clear that any observation made above shall neither be treated as a stamp of the Court *qua* the relationship of the petitioner with the said Bhagat Singh nor as an opinion on the contentions raised in the present petition.

August 17, 2020

Kv

Whether speaking/reasonable: Yes/No.

Whether reportable : Yes/No.

(ALKA SARIN)
JUDGE