

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

CRWP No.8150 of 2020 (O&M)
DATE OF DECISION: 08.10.2020

Amritpal Kaur and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vijay Kumar, Advocate for the petitioners

..

ALKA SARIN, J.: (Oral)

Heard through video conferencing.

The present criminal writ petition has been filed under Article 226/227 of the Constitution of India for enforcement of fundamental right of the petitioners seeking protection of their life and liberty as enshrined under Article 21 of the Constitution of India.

In brief, the relevant facts are that petitioner No.1 is aged about 20 years and 8 months and petitioner No.2 is aged about 20 years and 6 months. It is averred in the petition that both the petitioners fell in love with each other. The petitioner No.1 left the house of her parents and started living with petitioner No.2 in a live-in-relationship since 01.10.2020. The family members of petitioner No.1 are against their relationship. It has also been averred that the private respondents have been threatening the petitioners. The petitioners have sent a representation dated 03.10.2020 (Annexure P-3) to the Commissioner of Police, Amritsar (respondent No.2) for providing adequate security. However, no action has been taken on the same.

Notice of motion to the official respondents only. Since the matter is not being decided on merits, hence, service of notice on the private respondents is dispensed with.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab, 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.

In the present case, this Court, without expressing any opinion on the validity of the relationship or the social acceptance of the relationship of petitioner No.1 and petitioner No.2, needs to consider as to whether the apprehension of the petitioners needs to be addressed.

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 life and personal liberty except according to the procedure established by law. In the present case, the petitioners have approached this Court seeking protection of their life and liberty as enshrined under Article 21 of the Constitution of India. Irrespective of the status of relationship of the petitioners, this Court is duty-bound to ensure that no person is deprived of his or her personal liberty except according to the procedure established by law. This Court, in the present case, is not dealing with the validity or the social acceptance of the relationship of the petitioners but is only concerned with the threat, as perceived by the petitioners, to their life and liberty and, if found genuine, the same needs to be addressed.

In view of the above, the present petition is disposed of with a direction to the Commissioner of Police, Amritsar (respondent No.2) to

decide the representation dated 03.10.2020 (Annexure P-3) seeking protection of life and liberty of the petitioners, after hearing all the parties concerned and in accordance with law.

However, it is made clear that any observation made above shall neither be treated as a stamp of this Court qua the relationship between the petitioners nor as an expression of opinion on the contentions raised in the present petition and shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

The petition is accordingly disposed of.

**(ALKA SARIN)
JUDGE**

08.10.2020

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NOTE:

**Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**