

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

CRWP No.8146 of 2020 (O&M)
DATE OF DECISION: 08.10.2020

Sandeep Kaur and anotherPetitioners
versus

State of Punjab and othersRespondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Parvesh Sachdeva, Advocate for the petitioners

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ALKA SARIN, J.: (Oral)

Heard through video conferencing.

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents No.2 and 3 to protect the life and liberty of the petitioners as they fear for their life and liberty at the hands of respondent Nos.4 to 7.

Learned counsel for the petitioners would contend that the petitioners are major and are in a live-in-relationship. It is further the contention of the learned counsel for the petitioners that petitioner No.1 is a married lady. However, she has been living separately from her husband-respondent No.7 for the last one year. Learned counsel for the petitioner would further contend that petitioner No.1 was compelled to move out of her house due to the cruel and inhuman treatment given to her by respondent Nos.4 to 7, who used to beat and humiliate her. Learned counsel for the petitioners has further contended that as per the Aadhar Cards of the petitioners, attached as Annexures P-2 and P-3, both the petitioners are major.

Notice of motion to 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 respondents.

I have heard the learned counsel for the parties.

Since petitioner No.1 is a married lady and is now in a live-in-relation with petitioner No.2 and both the petitioners seek protection of their life and liberty at the hands of respondent Nos.4 to 7, this Court while disposing off the present petition is not going into the validity of the relationship or the social acceptance of the relationship of petitioner No.1 and petitioner No.2.

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 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 off with a direction to respondent No.2 to decide the representation dated 01.10.2020 (Annexure P-1) 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 disposed off accordingly.

**(ALKA SARIN)
JUDGE**

08.10.2020
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NOTE:

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