

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through VC)**

CRWP No. 9470 of 2020 (O&M)

Date of Decision: 19.11.2020

Bharti and another

...Petitioners

Versus

State of U.T., Chandigarh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Amrita Garg, Advocate, for
Mr. Arjun Sheoran, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking a direction to official respondents No.1 to 9 to protect the life and liberty of the petitioners at the hands of private respondents. It is pleaded that they are same sex couple and belong to the LGBTQ community and are staying together with their own volition. However, they are facing harassment at the hands of the private respondents on account of their decision to live together. It is submitted that they being major have taken a conscious decision to be with each other as a couple, however, this decision is being objected to by the private respondents. It is further submitted that though they have submitted a representation dated 7.11.2020 (Annexure P/3) to respondent No. 2, but no action has been taken thereon.

Notice of motion to the official respondents No. 1 to 3.

On the asking of the court, Mr. Yashwant Singh Rathore,

Additional Public Prosecutor, Union Territory, Chandgiarh, who is present through the medium of Video Conferencing, accepts notice for the official respondents and submits that since the petitioners have not disclosed the address where they are residing, therefore, it would be difficult for the Chandigarh police to provide protection.

Faced with the situation, learned counsel appearing on behalf of the petitioners submits that as soon as this Court orders protection of their life and liberty, they shall inform the police of their place of residence.

I have heard learned counsel for the parties.

Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of this petition with direction to respondent No. 2 to decide the representation of the petitioners (Annexure P/3) within a period of one week from the date of receipt of a copy of this order and grant them protection, if any threat to their life and liberty is perceived. It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any committed by them. This direction is subject to the petitioners furnishing details of the residence they intend to reside.

Disposed of with the aforesaid directions.

19.11.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No