

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

**CRWP-1333-2021 (O&M)
Date of decision: 10.02.2021**

Kajal and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kanwaljeet Singh, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Articles 226/227 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 at the hands of respondents No. 4 to 6.

Learned counsel for the petitioners submits that petitioner No.1 is major, but petitioner No. 2 (boy), though major, is not of marriageable age. They are living together in live-in relationship. He further submits that parents of petitioners were informed, but they are issuing threats to the petitioners regarding their live-in relationship. The petitioners have already submitted a representation dated 06.02.2021 (Annexure P-3) to respondent No. 2- Commissioner of Police, Ludhiana, for redressal of their grievance, but no action has been taken thereupon.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that respondents 4 to 6 would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to posts for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by the ***Hon'ble Supreme Court of India*** in '***S. Kushboo V. Kanniammal***', (2010) 5 SCC 600, and '***Nandakumar and Anr. Vs. The State of Kerala and othes***', 2018(2) RCR(Civil) 899. Wherein it was held that *even if the boy was not competent to enter into wedlock, they have right to live together even outside wedlock. It would not be out of place to mention that 'live-in relationship' is now recognized by the Legislature itself.* He also relies upon the order passed in CWP-17215-2019 titled as '***Savita and another Vs. State of Haryana and others***' passed by a Coordinate Bench of this Court.

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

On the asking of this Court, Mr. Saurav Khurana, DAG Punjab, accepts notice on behalf of respondents No.1 to 3.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere

fact that petitioner No. 2 is not of marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Commissioner of Police, Ludhiana, to decide the representation dated 06.02.2021 (Annexure P-3), moved by the petitioners in accordance with law and grant protection to them, 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.

(HARNARESH SINGH GILL)
JUDGE

10.02.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No