

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

217

CRWP-2750 of 2021

Date of Decision: 13.07.2021

Shiva and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 18.03.2021 the following order had been passed by this court:-

“By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 7, upon the petitioners being in a live-in relationship.

Learned counsel for the petitioners submits that both the petitioners being adults, they would be not legally barred from having such a relationship.

He points to a copy of the PAN card of petitioner no.1 (copy Annexure P-2), showing his date of birth to be 01.01.1998; and a copy of the birth certificate in respect of petitioner no.2, showing therein that she was born on 30.10.2001.

Notice of motion be issued to the respondents.

Mr. Dhruv Sheoran, AAG, Haryana, accepts notice at the asking of the court on behalf of the respondent no.1 to 3.

A copy of the petition be supplied to him today itself by learned counsel for the petitioners.

Respondents no.4 to 7 be served by way of normal process.

A gazetted officer is directed to file a reply after determining the actual age of the petitioners, firstly, from the schools where they last studied, with petitioner no.2 presumably having studied in District Panipat (where her father is shown to have been residing).

If it is found that the petitioners have actually not been to school (as is contended by learned counsel appearing for them), then their birth records will be verified to determine that they are actually of the age of majority or not.

Adjourned to 05.04.2021.

In the meanwhile, naturally, protection of life and liberty being a basic fundamental right enshrined in Article 21 of the Constitution of India, their life and liberty would be duly protected.

However, it is made absolutely clear that if petitioner no.2, Parveen, is found to be below 18 years of age, this order shall not be construed to be any bar on criminal proceedings/any other legal proceedings initiated on account of her having gone missing from home/having been abducted etc.”

Pursuant thereto an affidavit dated 19.04.2021 has been filed by the DSP, Traffic, Panipat, stating therein that petitioner no.2 was not found to have studied or taken admission in any school (as per her statement) and therefore her date of birth could not be ascertained and further, the petitioners had also refused any protection from the police and were not apprehending any threat to their lives and personal liberty.

However, another affidavit has also been filed by the DSP (AEC), Kaithal, dated 09.04.2021, alongwith which a copy of the birth certificate shown to be issued by the Municipal Corporation, Panipat, has been annexed, showing that a female child named Parveen was born to Haridas and Chander Kalan on 30.10.2001.

The statements stated to have been made by the petitioners, before the police, has also been annexed with the petition, to the effect that they apprehended no danger to their lives.

Both the affidavits are ordered to be taken on record.

Learned counsel for the petitioners also reiterates today that the petitioners are now not apprehending any threat to their lives and liberty.

That being so, and with it having been determined by the police (as per the affidavit of the DSP, Kaithal), that petitioner no.2 is above 18 years of age, nothing further remains to be observed by this court, with this petition having been rendered infructuous in terms of the statement of learned counsel for the petitioners.

Disposed of as such.

Naturally, if at any stage the petitioners apprehend any threat to their lives and liberty, they would be always at liberty to approach the police authority concerned, would duly ensure that the life and liberty of both the petitioners is duly protected.

July 13, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No