

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRWP-3854-2021

Date of Decision: 23.09.2021

Vikas and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Yugal Kumal Jamwal, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana,
for respondents no.1 to 4.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 23.04.2021, the following order had been passed by this
court:-

“Case heard via video conferencing.

By this petition, the petitioners seek protection of their lives and liberty, they being now in a live-in relationship with each other. Learned counsel for the petitioners submits that petitioner no. 2 was forcibly married to respondent no. 8 by her parents and her brother (respondents no. 5 to 7) and that she in fact wanted to commit suicide thereafter, but with petitioner no. 1 having convinced her to not do so, she eloped with him, she already having been in a relationship with him before her marriage, despite which she was forcibly married off (as contended) to respondent no. 8.

Without making any comment on the actual merits of what has been contended hereinabove by learned counsel, but since protection of life and liberty (as per law) is obviously a fundamental right enshrined in Article

21 of the Constitution of India, notice of motion is issued.

On the asking of the court, Mr. Neeraj Poswal, A.A.G., Haryana, accepts notice on behalf of respondents no. 1 to 4.

A copy of the petition be emailed to learned State counsel by learned counsel for the petitioners today itself.

Adjourned to 19.05.2021.

To be shown in the urgent motion list.

Respondents no. 5 to 8 be served by way of normal and *dasti* process by the next date of hearing.

In the meanwhile, respondents no. 1 to 4 shall ensure that the life of the petitioners is duly protected and that as regards their liberty, that is also duly protected as per law.

A gazetted officer is directed to file a status report in reply to the petition by the next date of hearing positively, failing which the Superintendent of Police concerned shall be summoned to court.”

Thereafter an affidavit having been filed by the DSP, Barwala, as recorded in the order dated 07.09.2021, this court had directed a gazetted officer to file another affidavit giving therein the age of the petitioners to determine as to whether they were of the age of majority, to allow them to continue to be in a live-in relationship with each other.

Pursuant thereto, an affidavit of the DSP, Barwala, dated 20.09.2021, has been filed, which is ordered to be taken on record.

As per the said affidavit, the date of birth of petitioner no.1 is 15.02.2000, with that of petitioner no.2 being 28.02.2000, as per their school records, thus making them both above 21 years of age.

That being so, with learned counsel for the petitioners, on specific query to him, having stated that the petitioners are not in any prohibited *sapinda* relationship to each other, this petition is disposed of with a direction to the official respondents to ensure that the life and liberty

of the petitioners duly remains to be protected as per law.

However, it is made absolutely clear that this court has not made any comment on the correctness of the statement of learned counsel for the petitioners with regard to them not being in any *sapinda* relationship with each other; and thus if that averment, or any other averment made in the petition is found to be actually false, the orders passed in this petition would not bar proceedings as per law, if maintainable qua any illegal act committed by the petitioners.

(AMOL RATTAN SINGH)
JUDGE

23.09.2021
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No