

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

Sr. No.108

CRWP-4521-2021 (O&M)
Date of decision : 18.5.2021

Pardeep Singh and another

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mandeep Singh, Advocate and
Mr. Devender Arya, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners allege that they are in a live-in-relationship. They are both major and have decided to enter into such a relationship as they are sure of their feelings for each other. A great deal of thought has gone into the decision. However, the family of petitioner No.2 is against the relationship and are threatening to cause physical harm. A representation dated 9.5.2021 (Annexure P-3) has also been submitted before respondent No.2, but no action has been taken thereupon, till date. Left with no other option, they have filed the present petition.

Notice of motion.

Mr. Sanjay Mittal, Addl. AG, Haryana, accepts notice on behalf of respondent Nos.1 to 3-State and waives service.

Learned State counsel submits that live-in-relationships are not legal and are frowned upon by society. Thus, no protection can be granted to the petitioners.

The Constitution of India is the Supreme Law of the land. Right to life and liberty is enshrined therein and is treated as a basic feature. The said right includes the right of an individual to full development of

his/her potential in accordance with his/her choice and wish and for such purpose, he/she is entitled to choose a partner of his/her choice. The individual also has the right to formalize the relationship with the partner through marriage or to adopt the non-formal approach of a live-in-relationship. The concept of live-in-relationships has crept into our society from western nations and initially, found acceptance in the metropolitan cities, probably because, individuals felt that formalization of a relationship through marriage was not necessary for complete fulfillment. Education played a great role in development of this concept. Slowly, the concept has percolated into small towns and villages also as is evident from this petition. This shows that social acceptance for live-in-relationships is on the increase. In law, such a relationship is not prohibited nor does it amount to commission of any offence and thus, in my considered view such persons are entitled to equal protection of laws as any other citizen of the country. The law postulates that the life and liberty of every individual is precious and must be protected irrespective of individual views.

Let us examine the issue from another view-point. The Constitutional Courts grant protection to couples, who have married against the wishes of their respective parents. They seek protection of life and liberty from their parents and family members, who disapprove of the alliance. An identical situation exists where the couple has entered into a live-in-relationship. The only difference is that the relationship is not universally accepted. Would that make any difference ? In my considered opinion, it would not. The couple fears for their safety from relatives in both situations and not from the society. They are thus, entitled to the same

relief. No citizen can be permitted to take law in his own hands in a country governed by Rule of Law.

The petition is accordingly, disposed of with direction to respondent No.2 to consider the representation dated 9.5.2021 (Annexure P3) and to provide appropriate protection, if found necessary. It shall be ensured that no harm comes either to the lives or liberty of the petitioners.

(SUDHIR MITTAL)
JUDGE

18.5.2021
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No