

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

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LPA-621-2021 (O&M)

Date of decision: 27.07.2021

Kunal and another

.....Appellants

versus

State of Haryana and others

....Respondents

**CORAM: Hon'ble Mr. Justice Augustine George Masih
Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Sanjiv Kumar Yadav, Advocate for the appellants.

Ms. Tanisha Peshawaria, DAG, Haryana.

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

AUGUSTINE GEORGE MASI, J. (Oral)

Challenge in this appeal is to the order dated 14.07.2021, passed by the learned Single Judge in a Criminal Writ Petition No.6487 of 2021, which was preferred by the petitioners for protection of their life and liberty at the hands of private respondents No.4 to 7.

Learned Single Judge while dismissing the writ petition, has proceeded on the assumption and on the ground that earlier the petitioners have approached this Court by way of filing a writ petition which was dismissed on 04.12.2020 (Annexure P-3) with cost of ₹25,000/- (Rupees twenty five thousand only) and have again approached this Court for the same relief by adding an incident of 05.07.2021 to take protection giving a

new cause of action for claiming protection. The Court, in the light of earlier order which has been passed, asserted that the present writ petition being the second one for the same cause of action, is not maintainable. While dismissing the writ petition, the Court has ordered the petitioners to deposit ₹25,000/- to the Punjab and Haryana High Court Employees' Welfare Association, within a period of two months.

Learned counsel for the appellants asserts that the appellants are admittedly major as their age is more than 19 years and therefore can take a decision with regard to staying with any person and at any place of their choice. He asserts that merely because the appellants have chosen to live together, which is opposed by the private respondents No.4 to 7 who are parents and relatives of appellant No.2, they having threatened and given severe beatings to appellant No.2, approached this Court earlier by way of filing a writ petition which was dismissed. However, subsequently it so happened that on 05.07.2021, these very persons again came to the house of appellant No.1 and abused them and threatened them with dire consequences. The life being threatened, they approached the Superintendent of Police, Kurukshetra, vide representation dated 09.07.2021 (Annexure P-5), praying therein for protection of their life and liberty. This aspect was highlighted in the said representation. Obviously, in these changed circumstances, there being threat to the life and liberty of the appellants, they had no option but to again approach this Court by filing second writ petition, which also stands dismissed vide the impugned order. Counsel thus prays that the present appeal be allowed by setting aside the

impugned order passed by the learned Single Judge and the prayer of the petitioner made in the writ petition be accepted.

We have considered the submissions made by counsel for the appellants and with their assistance, have gone through the records of the case.

The fact with regard to the petitioners having approached this Court by way of earlier writ petition, dismissal thereof, is not in dispute. The subsequent approach of the petitioners again to this Court on the basis of the threats which they had received on 05.07.2021 from private respondents No.4 to 7, obviously creates apprehension in the mind of the appellants, specially when the said respondents had come to the residential house of appellant No.1. They were not required to wait for some overt act on the part of the private respondents before approaching this Court, specially in the earlier factual position where the private respondents were against the factum of the appellants' staying together despite they being major and can take their own independent decisions with regard to the company and place of residence.

It cannot be disputed that life and liberty of the citizens of this country are protected under the Constitution and the same can not be jeopardized except in accordance with law. As and when the situation arises, where the life and liberty is at peril of a person, approach by such person to the Court cannot be said to be not maintainable. In the given facts and circumstances of the present case, where both the appellants apprehend that their life and liberty would be in jeopardy at the hands of the private

respondents, specially when they are living together against the wishes of private respondents with the incident dated 05.07.2021 as mentioned, gives a fresh cause for approaching the Court . The citizen whose life and liberty if threatened at any moment, can approach the Court for protection thereof and this is what exactly the petitioners have done. The order of the learned Single Judge, therefore dismissing the writ petition of the petitioners as being not maintainable, is unsustainable.

In view of the above, the present appeal is allowed. Impugned order dated 14.07.2021, passed by the learned Single Judge, is hereby set aside and a direction is issued to the Superintendent of Police, Kurukshetra to look into the representation dated 09.07.2021 (Annexure P-5), submitted by the appellants and if need be, appropriate steps in accordance with law be taken to ensure that life and liberty of the appellants is not jeopardized in any manner, except in accordance with law.

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In the light of disposal of the main case, no orders are required to be passed in these civil miscellaneous applications and the same also stand disposed of.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(GIRISH AGNIHOTRI)
JUDGE**

27.07.2021/anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No