

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

203)

CRWP-8040-2021

Date of Decision: 23.09.2021

Radha and another

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vineet Chaudhary, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

On 26.08.2021, the following order had been passed by this

court:-

“Case heard via video conferencing.

By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioners seek issuance of a direction to respondents no.2 and 3 to protect their life and liberty at the hands of respondents no.4 to 7, with a further prayed made directing them not to interfere with their life and liberty.

Learned counsel for the petitioners submits that petitioner no.1 having been forcibly married off to some other person, eventually she left her matrimonial home, after which she first returned to her parental home where she obtained a “panchayati divorce”; and after which she started residing with petitioner no.2 in a live-in relationship (though it is to be noticed that in the memo of parties she has described herself as the wife of petitioner no.2).

Though otherwise, with petitioner no.1 shown to be 26 years of age, this court may have nothing to say on that issue at all it being her own wish as to with whom she wishes to live (subject obviously to any rights accruing to her legally wedded husband in terms of either Section 9 of the Hindu Marriage Act or otherwise); yet, at this stage simply to determine the correct age of both the petitioners, notice of motion is issued, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice at the asking of the court on behalf of respondents no.1 to 3. A copy of the petition be e-mailed to him today itself by learned counsel for the petitioners.

Respondents no.4 to 7 be served by way of normal process, returnable by 23.09.2021.

Meanwhile, since protection of life and liberty is a basic fundamental right of every citizen enshrined in Article 21 of the Constitution of India, respondents no.2 and 3 are directed to ensure that the lives and liberty of the petitioners are not put to any harm or threat at the hands of the aforesaid respondents or at their behest.”

Pursuant thereto an affidavit of the DSP, Barara, District Ambala, has been filed, from which learned State counsel points to the fact that as per their educational qualification certificates, the date of birth of petitioner no.1 is 15.11.1998, thereby making her slightly short of 23 years of age, with the date of birth of petitioner no.2 being September 20, 1995, thereby making him 26 years of age.

That being so, this petition is disposed with a direction to the official respondents to ensure that the lives and liberty of the petitioners continue to be duly protected, with what has been observed in the order passed on the last date of hearing reiterated, as regards the rights of any spouse seeking restitution of conjugal rights etc.

September 23, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO