

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-8385-2021

Date of Decision: 25.11.2021

Maina Rani @ Shabnam and another

.... Petitioners

Versus

The State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Swarn Tiwana, Advocate for the petitioners.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana
for respondents No. 1 to 3.

Mr. Manoj Tanwar, Advocate for respondent No. 5.

ASHOK KUMAR VERMA, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 5 is taken on record. Be tagged at the appropriate place.

Through this petition under Article 226 of the Constitution of India, prayer has been made for issuance of direction to respondents No. 2 and 3 to protect the life and liberty of the petitioners from the hands of respondents No. 4 to 8, as they have solemnized marriage against the wishes of their parents.

On 03.09.2021, when this case was listed for hearing, following order was passed:-

“By way of present petition, the petitioners have approached this Court for seeking necessary protection in respect of their lives and personal liberties.

Owing to some error in the earlier petition i.e. CRWP No.8210 of 2021, the same was withdrawn. Thereafter the present petition has been filed.

Notice of motion for 10.09.2021.

Mr. Manoj Tanwar, Advocate appears on behalf of respondents No.4 to 8. He submits that a habeas petition bearing CRWP No.8311 of 2021 is also pending in the context of illegal detention of petitioner No.1 by petitioner No.2. Marriage was solemnized by the petitioners by changing the religion.

Till the next date of hearing, respondents No.2 and 3 are directed to ensure that no physical harm is caused to the petitioners.”

Pursuant to the aforesaid order passed by this Court, a letter has been received from the Superintendent of Police, Kurukshetra (Haryana), wherein it has been averred that an enquiry was conducted by the Deputy Superintendent of Police City, Kurukshetra. Respondents No. 4 to 8 have joined in the said enquiry and their statements have also been recorded. They stated that they have no objection with the love marriage of Maina Rani with Sahil S/o Shamsheer Singh (petitioners herein) resident of village Barna, Police Station Kurukshetra University Kurukshetra, Tehsil Thanesar, District Kurukshetra and they will not harm the petitioners. It has also been averred that for recording the statements of the petitioners when the local police visited at their given addresses, they were not found present there.

Learned counsel appearing for respondent No. 5-Sunita, mother of petitioner No. 1-Maina Rani @ Shabnam, also stated that respondents No. 4 to 8 are not extending any threat to the petitioners.

However, learned counsel for the petitioners submits that the private respondents are still adamant to separate them from each other by resorting to illegal means. Learned counsel further submits that in

view of imminent danger to the life and liberty of the petitioners, petitioners have moved a representation dated 01.09.2021 (Annexure P-8) to respondent No.2-Superintendent of Police, Kurukshetra.

I have heard learned counsel for the petitioners and the State and perused the paper book.

Having regard to the facts and circumstances of the case, I am of the view that the petitioners are at liberty to live together being major and no person shall be permitted to interfere in their peaceful living as right to life is a fundamental right under Article 21 of the Constitution of India which mandates that no person shall be deprived of his right to life and personal liberty.

In view of the above, this petition is disposed of with a direction to respondent No.2-Superintendent of Police, Kurukshetra, to look into the representation dated 01.09.2021 (Annexure P-8) of the petitioners seeking protection of life and liberty and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty of the petitioners.

It is, however, clarified that in case, there is any criminal case registered against the petitioners, this order shall not be construed as an impediment for the law enforcing agency to proceed against the petitioners, in accordance with law.

November 25, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No