

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CRWP-9611-2021
Date of Decision: 08.10.2021

Roopa and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Ms. Harpreet Kaur , Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

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 6, with a further prayer made for a direction to respondent no.2 to consider and decide the representation, dated 05.10.2021, made by petitioner no.1.

Learned counsel for the petitioners submits that as per her instructions neither of the petitioners is married nor are they in any prohibited *sapinda* relationship to each other.

However upon query to her, as to why they are not getting married to each other rather than living in a live-in relationship (though obviously if they both are adults there may be no legal bar to that), she expresses her ignorance on that question.

A perusal of the petition shows that the petitioners have stated in paragraphs 5 and 6 that they had fallen in love with each other and having been in a relationship with each other, they want to continue to live with each other.

No firm proof of age of either of the petitioners has been annexed with the petition, with only a copy of the Aadhar Card of petitioner no.2 having been annexed therewith, alongwith an affidavit of petitioner no.1, with it stated that they are 27 and 26 years of age respectively.

Be that as it may, this only being a petition seeking protection of life and liberty of the petitioners which is a basic fundamental right enshrined in Article 21 of the Constitution of India, this petition is disposed of with a direction to the Superintendent of Police, Ambala and the SHO, Police Station Sadar Ambala City (on the oral contention of learned counsel for the petitioners that respondent no.3 should actually be read as SHO, Police Station Sadar, Ambala City), to ensure that their life is duly protected at the hands of respondents no.4 to 6, or any other person; and as regards liberty, naturally that would be protected as per law.

It is to be also observed by this court that unless the petitioners can be shown to be any prohibited *sapinda* relationship to each other and thereby are prohibited, by any law in force, to be in a live-in relationship with each other, if they are otherwise adults, even though they may not have married each other, as regards protection of life and liberty, that would be their basic fundamental right; with it further to be observed that if the

petitioners are found to be married to some other persons, protection of life and liberty ordered by this court would obviously not affect the civil rights of any spouse seeking restitution of conjugal rights/maintenance etc., which proceedings, if at all instituted by any such spouse (if existent), would proceed on their own merits.

(AMOL RATTAN SINGH)
JUDGE

08.10.2021
adhikari

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