

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

**CRWP-10637-2021(O&M)
Date of decision: 11.11.2021**

Payal and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bhawesh Chaudhary, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226/227 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 6.

Learned counsel for the petitioners submits that both the petitioners are major and have decided to marry with each other. They approached the private respondents in this regard to seek their blessings, but they refused to allow them to marry each other. Now, they are living in a live-in-relationship against the wishes of respondents No.4 to 6 and have sought protection to their life and liberty. They apprehend danger at the

hands of respondents No.4 to 6. Therefore, they have submitted a representation dated 09.11.2021 (Annexure P-3) to respondent No.2-Commissioner of Police, Jalandhar.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that respondents 4 to 6 would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to post for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899; and *Indra Sarma Vs. V.K.V. Sarma*' 2013(15) SCC 755.

Notice of motion to respondents No. 1 to 3- State only at this stage.

On the asking of this Court, learned State counsel, accepts notice on behalf of the respondent-State.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Commissioner of Police,

Jalandhar, to decide the representation dated 09.11.2021 (Annexure P-3), moved by the petitioners in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law if any committed by them.

(HARNARESH SINGH GILL)
JUDGE

11.11.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No