

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-10787-2021

Date of Decision: 15.11.2021

Sombir and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.K. Gupta, Advocate for the petitioners.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Article 226 of the Constitution of India, prayer has been made for issuance of a direction to respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hands of respondent No. 4 and 5, as they have solemnized marriage against the wishes of their parents.

Learned counsel for the petitioners contends that both the petitioners are major and they have right to live their life on their own terms. However, the private respondents are 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 11.11.2021 (Annexure P-5) to respondent No.2-Superintendent of Police, Hisar.

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

On the asking of the Court, Mr. Vishal Malik, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3.

On instructions from HC Ravinder, learned State counsel submits that respondent No. 4-Balbir Singh father of petitioner No. 2-Jyoti, has already got registered FIR No. 531 of 2021 dated 11.11.2021 under Sections 363 and 366 IPC, Police Station Civil Lines, Kaithal against petitioner No. 1-Sombir S/o Ashok.

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, Hisar, to look into the representation dated 11.11.2021 (Annexure P-5) 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 15, 2021
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(ASHOK KUMAR VERMA)
JUDGE

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