

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

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**CRWP-908-2022 (O&M)
Date of Decision : 02.02.2022**

Rahul Gupta and Another

....Petitioners

VERSUS

State of Punjab and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sehgal, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

The prayer in the present petition filed under Article 226 of the Constitution of India is for providing protection of life and liberty to the petitioners who are alleged to be receiving threats from respondent Nos.4 and 5.

Learned counsel for the petitioners has submitted that the petitioners belong to different religions and being majors had solemnized their marriage on 30.11.2012 against the wishes of their parents and relatives and since then have been residing in Ludhiana. In support of their age proof, the petitioner Nos.1 and 2 have appended the photocopies of their Aadhaar Cards as Annexures P-1 and P-2, respectively. The petitioners have been blessed with two children - on 08.12.2018 and 14.11.2020. It is the case set up by the petitioners that respondent Nos.4 and 5 till now were not aware of their whereabouts. However, recently petitioner No.1 received a telephone call from respondent No.4 who stated that he is the father of petitioner No.2

and threatened that if the custody of petitioner No.2 was not handed over to respondent No.4 then he would come to Ludhiana and eliminate the petitioner. It is further the case that on 10.01.2022 at about 9:30 PM respondent Nos.4 and 5 along with 4-5 other persons armed with kirpan and pistols came to the area where the petitioners reside. However, the petitioners did not come out of their room and respondent Nos.4 and 5 and the other persons accompanying them had to leave the area as the neighbours gathered at the spot.

Learned counsel for the petitioners would contend that in this regard the petitioners have also sent a representation dated 12.01.2022 (Annexure P-4) to the Commissioner of Police, Ludhiana - respondent No.2 - for providing adequate security. However, no action has been taken till date. The counsel for the petitioners would further contend that he limits his prayer in the present petition and would be satisfied at this stage if directions are issued for deciding the said representation in accordance with law.

Notice of motion.

On the asking of the Court, Mr. Sidakmeet Sandhu, AAG Punjab accepts notice on behalf of the respondent Nos.1 to 3-State. Since the matter is not being decided on merits, the service on the other respondents is dispensed with.

Heard learned counsel for the parties.

Without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction

to the Commissioner of Police, Ludhiana - respondent No.2 - to decide the representation dated 12.01.2022 (Annexure P-4) and take necessary action as per law.

It is, however, made clear that this order shall not, in any manner, be construed as an expression of opinion on the veracity of the statement made by the petitioners or on the validity of the marriage and shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off.

February 02, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO