

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

CRWP-1429-2022(O&M)

Date of decision: 17.02.2022

Vikash and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Varun Sharma, Advocate for the petitioners.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing official respondents 1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4 to 8.

Learned counsel for the petitioners submits that petitioner No.2 is major, but petitioner No. 1- Vikash (boy), though major, is not of marriageable age. They are living together in live-in relationship. He further submits that parents of petitioner No. 2 were informed, but they are issuing threats to the petitioners regarding their live-in relationship. They would solemnise marriage, after attaining the age of marriage by petitioner

No. 1. The petitioners have already submitted a representation dated 10.02.2022 (Annexure P-3) to respondent No. 2-Superintendent of Police, Palwal, for redressal of their grievance, but no action has been taken thereupon.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that the private respondents 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 posts for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by a Coordinate Bench of this Court in CWP-17069-2019 titled as Kawaljeet Kaur and others versus State of Punjab and others.

Notice of motion to the respondents No.1 to 3 only.

On the asking of this Court, learned State counsel, accepts notice on behalf of respondents No.1 to 3.

A complete set of paper-book be supplied to the learned State counsel during the course of the day.

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. Mere fact that petitioner No. 1 is not of a marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2 Superintendent of Police, Palwal, to decide the representation dated 10.02.2022 (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

17.02.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No