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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2574-2022

Date of Decision: 24.03.2022

Arun and another

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Singh, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus directing the official respondents No.1 to 5 for protection of life and liberty of the petitioners.

The learned counsel for the petitioners has submitted that a representation Annexure P-5 has been given and as per Annexure P-6 the same has been received in the office of Superintendent of Police, Jind.

The learned counsel for the petitioners has submitted that petitioner No.1 boy who is of the age of 26 years is married with the sister of petitioner No.2 and the petitioner No.2 is also major of the age of 22 years. In other words, petitioner No.2 who is sister of the wife of the

petitioner No.1 has run away with petitioner No.1 and they are staying in a live-in-relationship and the marriage of petitioner No.1 is still in subsistence with the sister of petitioner No.2 and has also stated that there is an eminent threat from the private respondents that in view of the aforesaid circumstances, the petitioners may be harmed by the private respondents and, therefore, has sought protection from this Court.

Notice to motion to respondent Nos. 1 to 5 only.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana accepts notice on behalf of the aforesaid respondents. He has submitted that the petitioners have invoked the extra ordinary jurisdiction of this Court after having a relationship of jija sali which is not proper and the petitioners only want the seal of this Court for making it legitimate and has therefore submitted that such relationship cannot be made legitimate by this Court and the only prayer which can be considered would be for the grant of protection of life only.

I have heard the learned counsel for the parties.

It is a case where petitioner No.1-boy is already married with the sister of petitioner No.2 and now both the petitioners have run away and are living in a live-in-relationship and the marriage of petitioner No.1 is still subsisting. Such kind of continuous relationship is although not acceptable in the country like India but at the same time this Court is conscious of the fact that notwithstanding such a relationship at least the lives of the citizens of India are required to be protected and, therefore, this Court is inclined to restrict the scope of the present petition only to the extent of protection of lives of the petitioners guaranteed under Article 21 of the Constitution of India.

In view of the aforesaid circumstances, it is made clear that this Court is inclined to issue direction only for the purpose of protection of lives of the petitioners and it would not mean under any circumstance that in case any of the petitioners are otherwise liable under any law or have committed any offence or are facing any FIR or complaint, then they shall not be proceeded in accordance with law. In other words, the directions issued by this Court will not become an embargo for the police to proceed in accordance with law because the scope is confined only to a limited extent of protection of life. There is no expression of any observation with regard to the validity of inter se relationship between the petitioners.

Therefore, in the facts and circumstances, it is directed that the petitioners shall appear before respondent No.2 who is Superintendent of Police, Jind, who shall thereafter depute a lady police official and ensure that no harm is caused to the lives of the petitioners. At the same time, the statement of petitioner No.2 shall also be got recorded from the Illaqa Magistrate with regard to her voluntariness of staying with petitioner No.1. In case it is found that petitioner No.2 was not staying voluntarily, then thereafter further procedure shall be adopted by the police in accordance with law.

The present petition stands disposed of.

24.03.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No