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

CRWP-5164-2022

Date of decision : 27.05.2022

Ramandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lakhvir Kumar, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondent Nos.1 to 4 to protect the life and liberty of the petitioners at the hands of respondent Nos.6 to 20.

Learned counsel for the petitioners has submitted that the petitioner No.1 has given representation dated 21.05.2022 (Annexure P-3) to respondent No.2-Senior Superintendent of Police, Sangrur, in which, she has detailed the facts that she is a major as she was born on 02.05.1995 and had married respondent No.6-Sukhcharan Pal Singh on 07.10.2013 and there is no issue out of the said wedlock. It is further submitted that because of the act and conduct of respondent No.6 and his family members, she started living with petitioner No.2 out of her own Will and free choice. It is contended that petitioner No.2 is also major. It is further contended that

petitioner No.1 has not taken any legal divorce from respondent No.6 and thus, placed reliance upon the judgment passed by the Division Bench of this Court vide judgment dated 03.09.2021 in ***LPA-769-2021*** titled as ***“Ishrat Bano and another vs. State of Punjab and others”***, to contend that in such a situation also, protection has been granted by the Division Bench.

Learned counsel for the petitioners has further submitted that the petitioners would be satisfied in case, the present Criminal Writ Petition is disposed of with direction to respondent No.2-Senior Superintendent of Police, to look into the representation dated 21.05.2022 (Annexure P-3) only with respect to protection of life and liberty of the petitioners and to take appropriate action in accordance with law.

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

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of respondent Nos.1 to 5 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 21.05.2022 (Annexure P-3) with a limited prayer for only protection of life and liberty of the petitioners and takes appropriate action in accordance with law.

This Court has heard the learned counsel for the parties and has perused the paper book.

The Division Bench of this Court in ***Ishrat Bhano's case*** (Supra) after considering the aspect of protection of life and liberty being of paramount consideration and without getting into the issue as to whether the relationship between the parties was legal or not, even in spite of the fact

that there is a criminal case registered against the parties therein, granted them protection.

In view of the same, it goes without saying that protection of life and liberty is a basic feature of the Constitution of India. Every person, more so, a major, has the right to live his / her life with a person of his / her choice at any rate, whenever this Court, prima-facie, is satisfied that on account of some relatives/ persons being unhappy with the relationship between the petitioners, could cause harm to the life and liberty of the petitioners, then in such circumstances, the Courts are required to pass necessary directions for their protection.

Keeping in view the abovesaid facts and circumstances and without commenting upon the legality of the relationship or expressing any opinion on merits of the case, this Court deems it appropriate to dispose of the present Criminal Writ Petition with a direction to respondent No.2 to consider the representation dated 21.05.2022 (Annexure P-3) and to assess the threat perception to the petitioners and after considering the same, respondent No.2 shall take appropriate action, in accordance with law.

Accordingly, the present Criminal Writ Petition stands disposed of with abovesaid directions.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

27.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**