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

CRM-M-34366-2022 (O&M)

Date of decision : 04.08.2022

Nishu and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepanshu Matya, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

CRM-27759-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent Nos.1 to 4 to release the petitioners from the Safe House, Protection Home, District Gurugram.

Learned counsel for the petitioners has submitted that after passing of order dated 18.07.2022 (Annexure P-6), the petitioners for their safety are being kept in Safe House, Protection Home, DCP Headquarter,

Gurugram, District Gurugram but presently they are not apprehending any danger/threat at the hands of the private respondents therein and thus, they want to leave the Safe House in order to continue with their social life. It is further submitted that the petitioners have requested respondent No.4 but respondent No.4 has stated that on account of the abovesaid order dated 18.07.2022, the petitioners can be released only in case such a direction is given by the Hon'ble High Court.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondents and has submitted that he is fully prepared to argue the matter and assist this Court. He has submitted that the petitioners were being kept in Safe House, Protection Home, since, at the time of filing the petition bearing No.CRWP-6886-2022, they had stated that they had imminent threat to their life and liberty at the hands of private respondents and as per the version of the petitioners, they had even come to Chandigarh at the time when the said petition was taken up and accordingly, SHO, Police Station Sector-3, Chandigarh was impleaded in the said petition. It is further submitted that in view of averments now made by the petitioners, more so, in para 9 of the petition, the State would have no objection in case, the petitioners are released from the Safe House, Protection Home, District Gurugram.

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

The petitioners had approached this Court by way of filing petition bearing No.CRWP-6886-2022 for protection of their life and liberty

in which, averments had been made that the petitioners had married each other out of their free will and they were both major at the said time and they were apprehending danger to their life at the hands of private respondents, which included parents of petitioner No.1. The State, keeping in view the threat, had apparently kept the petitioners in the Safe House, Protection Home, DCP Head Quarter Gurugram, District Gurugram. The petitioners have now filed the present petition and in para 9 of the same, they have averred that they are not apprehending any threat at the hands of the said private persons. Para 9 of the said petition is reproduced hereinbelow:-

“9. That the petitioners are not apprehending any threat at the hands of private persons and the petitioners are willing to leave the said safe house to continue with their social life.”

The said petition is supported by the affidavit of both the petitioners. Since, the petitioners have the right to live at any place where they wish to, any curtailment of their right would be violative of Article 226 of the Constitution of India.

Thus, keeping in view the abovesaid facts and circumstances, more so, the averments made in para 9 of the petition, the present petition is allowed and the official respondents are directed to release the petitioners from the Safe House, Protection Home, District Gurugram.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

04.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No