

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-395-2023 (O&M)

Date of Decision: January 16, 2023

Smayla Mahajan and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. V.P. Singh, Advocate for the petitioners.

SANJAY VASHISTH, J.

By way of filing this petition, the petitioners seek necessary protection of their lives and personal liberty in view of the fact that they are in a live-in relationship and are under eminent threats at the hands of respondents No. 4 to 9. Petitioner No.1 – Smayla Mahajan is aged about 20 years, whereas, petitioner No. 2 –Aamini Rahul is aged about 20 years, who is not of marriageable age, as per law.

In the context of threat perception at the hands of private respondents No. 4 to 9, petitioners have allegedly moved representation dated 09.01.2023 (Annexure P-3) to Senior Superintendent of Police, Pathankot, (respondent No. 2), wherein, all the apprehensions to their lives have been expressed.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent Nos. 1 to 3 (State).

Since petitioners have not contracted any marriage and seek only protection *qua* their lives and personal liberty, and for the same already representation dated 09.01.2023, (Annexure P-3) is pending, it would be appropriate to direct respondent No. 2 to have a fair look to the said representation, on the grievance of the petitioners in order to ascertain veracity of allegations made by them.

Respondent No. 2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. If innocence of the petitioners is established, respondent No. 2 shall proceed to take appropriate action in order to protect their lives and personal liberty from being invaded by private respondents No. 4 to 9.

This order is passed at this stage without meaning anything on the status of the petitioners on the basis of live-in relationship. Respondent No. 2 would pass necessary order without being influenced by any statement of fact recorded here-in-above.

Petition stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

January 16, 2023

Riya

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**

SMAYLA MAHAJAN AND ANOTHER VS STATE OF PUNJAB AND
OTHERS

Present: None for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

This case has been listed in IOIN for carrying out correction regarding date of order in the order sheet dated 16.01.2023.

This case was listed on 16.01.2023 and in the order sheet, date of order has been wrongly mentioned as ‘15.01.2023’ instead of ‘16.01.2023’, and after signing, same has been uploaded on the webportal of this Court.

I have perused the file and found that only mistake is in respect of typing of date of order, as noticed above, which has occurred due to a typographic error.

Accordingly, it is ordered that the date “15.01.2023”, occurring in the order sheet dated 16.01.2023, be read as “16.01.2023” and after carrying out the correction, correct order be uploaded on the webportal of this Court after deleting the already uploaded order.

IOIN stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 17, 2023
Riya