

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1364-2023

Date of decision: 13.02.2023

MUSKAN AND ANR.

...Petitioner

V/s

STATE OF HARYANA AND OTHERS

...Respondents

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Ramandeep Kaur Sihag, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners.

The petitioners are living in “*Live in Relationship*”. It has been stated that date of birth of petitioner No.1 is 31.05.2005 as is apparent from Aadhaar Card (Annexure P-1). The date of birth of petitioner No.2 is 24.07.2002 as is apparent from Aadhaar Card (Annexure P-2). Both the petitioners are unmarried and are living in “*Live in Relationship*” out of their free will and without any pressure. It has further been stated that the petitioners have given a detailed representation dated 08.02.2023 (Annexure P-3) to respondent No.2- Superintendent of Police, Hisar.

This Court has considered the facts as stated in the petition as well as the accompanying Annexures.

The issue as to whether protection of life and liberty should be granted to a couple in a “*Live in Relationship*” is no longer res integra.

The same matter was taken to Hon'ble the Supreme Court of India in Special Leave to Appeal (Criminal) No. 4028 of 2021 and the Hon'ble Supreme Court of India had vide its judgment dated 04.06.2021 disposed of the same in the following terms:-

“The petitioners in both the petitions are stated to have represented to the Superintendent of Police.

The grievance is that the representation(s) has not been considered by the police.

We have gone through the representation(s). we dispose of both the petitions granting liberty to the petitioners to supplement their representation to the Superintendent of Police.

Needless to state that since it concerns life and liberty, the Superintendent of Police is required to act expeditiously in accordance with law, including the grant of any protection to the petitioners in view of the apprehensions/threats, uninfluenced by the observations of the High Court.

The Special Leave Petitions stand disposed of.

Pending applications shall also stand disposed of.”

The aspect of life and liberty is considered to be of paramount importance and thus, Superintendent of Police in the said case was directed to act expeditiously in accordance with law, including the grant of any protection to the petitioners therein.

Neither this Court wishes to go into the merits of the present case nor wants to comment upon the relationship of the petitioners but the only concern is with regard to their life and liberty, protection of which is of paramount consideration.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Bhupender Singh, DAG Haryana, appears and accepts notice on behalf of respondent Nos.1 to 3. He has stated that he has no objection in case, respondent No.2- Superintendent of Police, Hisar, looks into the representation dated 08.02.2023 (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.

After considering the abovesaid facts and without commenting upon the legality of the relationship or expressing any opinion on merits of the case, the present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into the representation dated 08.02.2023 (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.

10.02.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No