

109 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-2095-2023
Date of Decision: 03.03.2023

Sudhish Kumar and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gaurav, Advocate for
Mr. Lalit Kumar Yadav, Advocate
for the petitioners.

HARSH BUNGER J. (ORAL)

Prayer in the instant petition is for issuance of directions to respondents No.2 and 3 to provide protection of life and liberty to the petitioners, who have not solemnized marriage so far but are living in a live-in relationship and are under eminent threats at the hands of private respondents No.4 to 9.

The Date of Birth of petitioner No.1 (Sudhish Kumar), who is otherwise a major, however, has not attained the marriageable age, is 23.03.2003 and the Date of Birth of petitioner No.2 (Sanjana Yadav) is 04.03.2003.

In the context of threat perceptions at the hands of private respondents No.4 to 9, the petitioners have allegedly moved a representation dated 27.02.2023 (Annexure P-3) before the Senior Superintendent of Police, Jalandhar Rural (respondent No.2), wherein apprehension to the lives of petitioners has been expressed, however it is stated that no action

has been taken with regard to the said representation.

Notice of motion only to official respondents No.1 to 3 is being issued, at this stage.

Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3/State, pursuant to the advance copy of paper book having already been supplied to him by learned counsel for the petitioners.

Given the nature of order being passed, there is no necessity to seek any response by official respondents No.1 to 3 or even to serve private respondents No.4 to 9.

Having heard learned counsel for the petitioners, as also learned State counsel, I am of the considered view that every citizen is entitled to protection/enforcement of fundamental rights as envisaged under Constitution of India. It is the bounden duty of State to protect the life & liberty of every citizen as enshrined under Article 21 of the Constitution of India. Right to human life is to be treated on much higher pedestal, regardless of a citizen being minor or major.

The petitioners state that they are living in a live-in relationship in constant danger as they have every apprehension that private respondents No.4 to 9 will catch them and carry out their threats and may even go to the extent of eliminating them. The petitioners are, therefore, unable to find any safe place to live in the absence of protection of their lives and liberty(ies), hence the present writ petition seeking appropriate directions to official respondents No.2 and 3 to provide protection qua their lives and liberty(ies).

Since the petitioners have not contracted any marriage and seek only protection qua their lives and personal liberties, therefore, it would be

appropriate to direct respondent No.2 - Senior Superintendent of Police,

Jalandhar Rural, to verify the contents of present petition and/or representation, particularly the threat perception of the petitioners, and thereafter provide necessary protection qua their lives and liberty(ies), if deemed fit. Respondent No.2 - Senior Superintendent of Police, Jalandhar Rural, would pass necessary order without being influenced by any statement of fact recorded hereinabove.

It is clarified that this order shall neither be treated as a stamp of this Court qua the status of parties on the basis of live-in relationship nor any reflection on the merits of contentions raised by them in the present petition.

The present petition is accordingly disposed of.

03.03.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No