

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

CRWP-2892-2023

Date of Decision: 24.03.2023

Jyoti & another

...Petitioners

Versus

State of UT Chandigarh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S.Nigha, Advocate, for the petitioners.

GURVINDER SINGH GILL, J.

Two young girls, namely, Jyoti and Manju Devi, aged about 24 years & 21 years respectively, have approached this Court seeking issuance of directions to official respondents i.e. respondents No.1 to 3 to protect their lives and liberty and to restrain the private respondents from harassing them and interfering into their peaceful life, as the said private respondents are opposed to live-in relationship of the petitioners and do not approve of their intentions to solemnize 'same sex marriage'.

Learned counsel for the petitioners submits that both the petitioners are well educated and are pursuing private jobs and know each other since the last about 3 years, having been working at a common work-place. On account of their fondness for each other, they have been residing together in a live-in relationship, but have not solemnized marriage, as 'same sex marriage' is not legalized in India so far. Learned counsel submitted that the matter pertaining to the recognition of the rights of couples of the same gender to marry is pending before Hon'ble the Supreme Court wherein vide order dated 13.03.2023 passed in Writ

Petition (Civil) No.1011/2022 titled 'Supriyo @ Supriya Chakraborty & another Vs. Union of India', the matter has been referred to a Constitution Bench. Learned counsel has submitted that since the petitioners apprehended threat to their lives and liberty, they submitted a representation dated 10.03.2023 (Annexure P-3) to the Senior Superintendent of Police, UT Chandigarh (respondent No.2), but to no avail.

Notice of motion to respondents No.1 to 3 only, at this stage.

On the asking of the Court, Mr. Shashank Bhandari, APP, UT Chandigarh, who is present in Court, accepts notice on behalf of respondents No.1 to 3.

Article 21 of the Constitution of India specifically provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. The State is duty bound to ensure the safety of its citizens. Though this Court would refrain from commenting upon the validity of the reasons, which furnish apprehension to the petitioners as regards their security or as regards their relationship, but the State Government cannot shirk from its duty to ensure safety of its citizens. In case, a citizen has a genuine apprehension of being caused any harm, the same certainly needs to be examined.

In somewhat similar circumstances, this Court in 'Paramjit Kaur & another Vs. State of Punjab & others' 2020(3) RCR (Civil) 310, where 2 petitioners, both of whom were girls and were in a live-in relationship, had duly entertained the petition filed on their behalf. This Court had observed therein that the petitioners are entitled to protection of their lives and liberty as envisaged under Article 21 regardless of the

nature of relationship between them and accordingly issued necessary directions.

As such, without commenting as regards the nature or propriety or legality of the relationship amongst the petitioners herein, the instant petition is disposed of with a direction to respondent No.2 i.e. Senior Superintendent of Police, UT Chandigarh to get the representation dated 10.03.2023 (Annexure P-3) examined as regards alleged threat perception of the petitioners. In case, it is found that there is a genuine threat to the lives and liberty of the petitioners, then necessary steps warranted under law be taken thereupon at the earliest so as to ensure that no harm is caused to the petitioners.

A copy of this order alongwith copy of the representation dated 10.03.2023 be sent to Senior Superintendent of Police, UT Chandigarh (respondent No.2), so as to enable him to do the needful expeditiously.

24.03.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**