

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119

CRWP-5556-2023 (O&M)

Date of Decision: 02.06.2023

Avtar Singh and Anr.

....Petitioners

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kiranpal Rana, Advocate for the petitioners.

GURBIR SINGH, J.(ORAL)

The petitioners seeks a writ in the nature of mandamus directing respondent Nos. 2 & 3 to protect his life and liberty of the petitioners at the hands of respondents No.4 & 5, with a further prayer to take appropriate legal action on representation dated 29.05.2023 (Annexure P-1).

It is stated that date of birth of petitioner No.1 is 04.04.1992 while date of birth of petitioner No.2 is 17.03.1991. Petitioner No.2 was earlier married to respondent No.5 who is 12 years older to her and out of the wedlock, one child was born, who is with respondent No.5. It is stated that after marriage, respondent No.5 used to beat petitioner No.2 on the pretext of money and dowry articles from the parents of the petitioner No.2 and respondent No.5 is having extra marital relations with some other women. On coming to know of this fact, petitioner No.2 tried number of times to convince respondent No.5 not to harass her and not to talk with other ladies but to no avail. He used to beat petitioner No.2 in front of minor child and family members. Petitioner No.2 left the house of respondent No.5 and used to spend nights at Temples, Gurudwaras and bus stands etc. Thereafter, petitioner No.2 came in contact with petitioner No.1, who is having one minor daughter, and since then she has been living in live-in-relationship with petitioner No.1.

The learned counsel for the petitioners has also submitted that a marriage is not a must for providing security to a couple in a 'live-in relationship' because protection

CRWP-5556-2023

qua life and liberty is sacrosanct and stands at the highest pedestal. He has also placed reliance upon orders passed by the co-ordinate Bench of this Court in '*Sarabjeet Kaur and another versus State of Punjab and others*' in CRWP-102-2022 decided on 07.01.2022 and '*Goutam Kumar and another versus State of Punjab and others*' in CRWP-8088-2021 decided on 26.08.2021.

Notice of motion to respondents No. 1 to 3.

On asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of the official respondents No.1 to 3. Since no order prejudicial to the interest of the parties is being passed, therefore, there is no necessity of inviting any response.

At this stage, without expressing any opinion on the merits of the case, as well as on the age and nature of the relationship between the petitioner No.1 and petitioner No.2, I deem it appropriate to direct respondent No. 2-Senior Superintendent of Police, District Sri Muktsar Sahib, Punjab, to look into the matter and pass an appropriate order in the representation allegedly filed by the petitioners before him on 29.05.2023 (Annexure P-1). It would be appreciated if necessary orders are passed within *one month* from the date of receipt of copy of this order. Till then, protect the life and liberty of the petitioners.

However, if the petitioners is found to have been involved in any other case then this order shall not preclude the competent authority from taking lawful action against the petitioners.

Disposed of.

02.06.2023

jyoti3

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No