

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

114

CRWP-9327-2023 (O&M)

Date of Decision: 20.09.2023

KIRAN AND ANOTHER

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Simranjeet Singh, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of Mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 7.

Learned counsel for the petitioners submits that petitioners are living together in a live-in relationship; that petitioner No.1 is major, but petitioner No.2, who is also major, has not attained the marriageable age and that the petitioners would solemnize marriage, after attaining the marriageable age by petitioner No. 2. He further submits that family members of petitioner No.1 were informed about the aforesaid relationship, but they are issuing threats to the petitioners to eliminate them. It is further submitted that the petitioners have already submitted a representation (Annexure P-3) to respondent No.2-Superintendent of Police, Fatehabad, for redressal of their grievance, but no action has been taken thereupon.

Learned counsel for the petitioners further submits that the

petitioners are living in a constant danger as they have every apprehension that the private respondents would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to posts for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners relies upon the judgment delivered by the Hon'ble Apex Court in Nanda Kumar and Anr. Vs. The State of Kerala and others, 2018(2) RCR(Civil) 899.

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

On the asking of this Court, Mr. Rahul Dev Singh, Additional AG Haryana, accepts notice on behalf of respondents No.1 to 3-State only.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law. It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere fact that petitioner No.2 is not of marriageable age, would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Superintendent of Police,

Fatehabad, to decide the representation (Annexure P-3) moved by the petitioners, in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law if any committed by them.

20.09.2023

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No