

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

CRWP No.11446 of 2022

Date of decision: March 14, 2023

Prabhjot Kaur And Another

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioners.

Mr. G.S. Shergill, AAG, Punjab.

Mr. G.S. Verma, Advocate
for respondent No.5.

GURBIR SINGH, J. (ORAL)

Prayer in this petition is for issuance of a writ, order or direction to the official respondents to protect the life and liberty of the petitioners from the hands of the private respondents.

Respondent No. 5 has filed the reply. The same is taken on record and Registry is directed to tag the same at appropriate place.

Learned counsel for the petitioner states that the petitioners are major and are competent to take their own decisions. They have been in love for the last one and half years and were willing to marry with one other but due to pendency of divorce petition of petitioner No. 2 in the Court, both are unable to marry. The parents of the petitioner No.1 wanted to marry her against her wishes with the boy of their own choice. When she refused and told her parents that she would marry only with petitioner No. 2, on which family of the petitioner No. 1 threatened to the petitioner No.1 and did not allow her to go out of the house. She voluntarily left the

house and joined the company of petitioner No. 2 and both the petitioners are living together in live-in relationship. They are running from pillar to post to save their lives as private respondents are behind their blood. Learned counsel for the petitioners has argued that petitioner No. 2 was married with respondent No. 5. The wife of petitioner No. 2 left the matrimonial house in the year 2015. Petitioner No. 2 is not having any issue. The petitioner No. 1 is unmarried. The petitioners have right to be protected and no one can be allowed to take law in his own hands. In support of his contentions, learned counsel for the petitioners has relied upon judgment dated 03.09.2021 passed by this Court in ***Paramjit Kaur and another vs. State of Punjab and others, CRWP No.7874 of 2021; judgment dated 28.04.2022 in Babli vs. State of Haryana, CRWP No.3927 of 2022; in Ishrat Bano and another vs. State of Punjab and others, LPA-769-2021 (O&M)*** by the Division Bench of this Court.

Learned counsel for the respondent No. 5 has submitted that both the petitioners cannot be permitted to live-in-relation because they are close family members and are having sapinda relationship with each other. Petitioner No. 1 is sister of petitioner No. 2. She is daughter of sister of father of petitioner No.2 (Bua's daughter and Mama's son). Petitioner No. 1 is only 21 years old and is unmarried. Petitioner No. 2 is married with Jyoti Laxmi. His wife has already filed petition under Section 125 Cr.P.C. She has also filed complaint against petitioners when she came to know about their relationship. Reliance is placed in case of ***Parvinder Kaur vs. State of Haryana; 2020 SCC OnLine P&H 1166*** and ***Kavita and another vs. State of Haryana and others; 2021(4) R.C.R CrI. 437.***

Heard.

In case *Ishrat Bano and another vs. State of Punjab and others* (*supra*) the Division Bench of this Court has held that life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. The relevant extract of the said judgment is as under:

“The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law.”

It is the duty of the State to protect life and liberty of each and every citizen of the country. They cannot be left at the hands of law-breaker and to go from pillar to post. If a person commits offence, it is the duty of the State to initiate action against him and to ensure that he is treated in accordance with law. No person can be allowed to take law in his own hands. Everybody has right to live in peace. The authorities cited by learned counsel for the respondent cannot be taken into consideration. In view of case of *Ishrat Bano and another vs. State of Punjab and others* (*supra*), Division Bench judgment of this Court. Whether they are having sapinda relationship is not to be seen in this petition. The purpose of this petition is only to protect their life and liberty. Thus, the present petition is allowed.

consideration the representation dated 01.12.2022 (Annexure P-3), submitted by the petitioners and if some substance is found therein, take appropriate steps in accordance with law to ensure that life and liberty of the petitioners is not jeopardized at the hands of the private respondents.

These directions shall not be construed in any manner to restrain the official respondents to proceed against the petitioners in case any criminal case is registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the petitioners in accordance with law.

Disposed of.

(GURBIR SINGH)
JUDGE

March 14, 2023

kusum

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No