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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : November 07, 2023

KOMAL RANI AND ANR.

-Petitioners

V/S

STATE OF HARYANA AND ORS.

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ajit Kumar Sharma, Advocate for
Mr. Chander Shekhar Singhal, Advocate
for the petitioners.

Mr. Chetan Sharma, D.A.G., Haryana.

KULDEEP TIWARI, J.

1. The instant petition, as cast under Article 226 of the Constitution of India, proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, a mandamus being made upon the respondents No.2 to 4 to protect their lives and liberty at the hands of private respondents No.5 to 12, besides at the hands of their friends and relatives.

2. The petitioners, in their asking for the relief (supra), have made submissions that though both of them have attained the age of majority, as the petitioner No.1 was born on 19.10.2005, while the petitioner No.2 was born on 18.05.2005, however, the petitioner No.2 has not attained the minimum age, as prescribed by statute, for solemnizing marriage. The petitioners have appended their respective Aadhar Cards as Annexures P-1 and P-2 with the instant petition. The further submissions, as made in the instant petition, are that since the petitioner No.2 has not yet attained the minimum age prescribed for solemnizing marriage, therefore, the petitioners

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have been living in 'live-in relationship'. However, their 'live-in relationship' has caused grievance to the family members of petitioner No.1. As a result of such grievance, the family members of petitioner No.1 threatened to kill the petitioners, which has made them apprehensive of danger to their lives and liberty and resultantly, has constrained them to approach this Court, to seek protection of their lives and liberty.

3. It is further averred in the petition, that consequent upon threats being extended by the family members of petitioner No.1, the petitioners made a representation dated 21.10.2023 (Annexure P-4) to the respondent no.2, expressing therein their apprehension qua danger to their lives at the hands of the private respondents.

4. Having heard the learned counsel for the petitioners, as also the learned State counsel, I am of the considered view that though every citizen is entitled to protection/enforcement of fundamental rights, as envisaged under the Constitution of India, however, the grant of such protection must be hinged upon cogent evidence, much less convincing, qua existence of any such alleged threat. Threat perception is to be assessed on the basis of the information furnished by the petitioners.

5. However, what erupts from a naked eye scrutiny of the instant petition, as also the representation (Annexure P-4), is that, only bald and vague allegations, qua threats being extended to the petitioners by the private respondents, are made therein. Neither any supportive material has been placed on record by the petitioners to corroborate their allegations, nor even any single instance pertaining to the manner and mode of alleged threats being extended to the petitioners has been anywhere disclosed.

Therefore, such bald and vague allegations cannot be readily and naively

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accepted by this Court, in the absence of any valid and convincing material in support thereof.

6. Moreover, the learned State counsel, on instructions from the official(s) concerned, has stated at the bar, that no threat, written or oral, has been received by the petitioners and there is no immediate danger to the lives and liberty of the petitioners. The apprehension of the petitioners is based on mere assumptions and presumptions and no incident pertaining to threat perception has taken place with the petitioners. He has further submitted that neither there is any threat perception to the petitioners, nor the petitioners require any security cover at present.

7. In view of the foregoing discussion, this Court finds no concrete ground to grant the asked for relief, which is consequently negated. Therefore, the instant petition is dismissed at this stage, being totally misconceived, as the petitioners have miserably failed to substantiate the allegations qua threat perception. However, liberty is reserved to the petitioners to approach the competent authority concerned, through instituting an appropriate motion supported by cogent evidence, in case they apprehend any danger to their lives and liberty in future.

November 07, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No