

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

**Criminal Writ Petition No. 11786 of 2023 (O&M)
Date of Decision: 07.12.2023**

Harwinder Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.M. Brara, Advocate
for the petitioners.

HARKESH MANUJA, J. (ORAL)

The present Criminal Writ petition has been filed under Article 226/227 of the Constitution of India for issuance of direction to the respondent Nos. 2 & 3 so as to protect the life and liberty of the petitioners.

[2] Notice of motion.

[3] Mr. Shubham Kaushik, Assistant Advocate General, Punjab, accepts notice on behalf of respondent Nos. 1 to 3 and requisite copies of the petition have already been supplied to the learned State Counsel by learned counsel for the petitioners.

[4] As per contents made in the petition along with the documents attached, it appears that both the petitioners are major and stated to be in a “Live-in Relationship”.

[5] It has been contended that petitioner No. 1 is in live-in-relationship out of her own free wish and will and without there being any threat at the hands of petitioner No. 2. It has been further submitted that the petitioners are having continuous threat at the hands of private respondent

Nos.4 to 6 and in this regard they have already submitted representation dated 23.11.2023 (Annexure P-3) to respondent No.2. It has also been contended that despite there being a continuous threat to the life and liberty of the petitioners, at the hands of private respondent Nos. 4 to 6, the official respondents have failed to take any action in this regard.

[6] Learned counsel for the petitioners also relies upon the two decisions rendered by this Court in the case of “*Shilpa and another Versus State of Punjab and others*” passed in *CRWP No. 10101 of 2021* on 22.10.2021 and “*Pardeep Singh and another Versus State of Haryana*” passed in *CRWP No. 4521 of 2021* on 18.05.2021. The relevant paragraph No. 6 from *Pardeep Singh and another's case (supra)* is reproduced as under for reference:

“ 6. Let us examine the issue from another view-point. The Constitutional Courts grant protection to couples, who have married against the wishes of their respective parents. They seek protection of life and liberty from their parents and family members, who disapprove of the alliance. An identical situation exists where the couple has entered into a live-in relationship. The only difference is that the relationship is not universally accepted. Would that make any difference? In my considered opinion, it would not. The couple fears for their safety from relatives in both situations and not from the society. They are thus, entitled to the same relief. No citizen can be permitted to take law in his own hands in a country governed by Rule of Law.”

[7] Keeping in view the proposition of law laid down in the aforementioned cases and without expressing any opinion upon the relationship being maintained by the petitioners, however, considering their age, the present petition is **disposed off** with a direction to respondent No.2-

Senior Superintendent of Police, Ropar, to consider the representation dated 23.11.2023 (Annexure P-3) and assess the threat perception to the petitioners and after considering the same, pass necessary directions to respondent No.3 in this regard.

[8] It may be pointed out here that petitioner No. 2 (Harpreet Singh), on his own volition, undertakes to deposit an amount of Rs. 1 lakh in the name of his minor daughter in the shape of FDR, and would produce a photocopy of the same in the Registry of this Court within a period of 15 days from today, while supplying the original to his wife, namely, Lachmi Kaur @ Lakhvir Kaur. In case, petitioner No. 2 fails to furnish the photocopy of the aforesaid FDR, the present petition shall be restored at its original number automatically without any further order required in this regard. It is also made clear that petitioner No. 2 shall not claim any set off against the aforesaid amount of Rs. 1 lakh deposited in the name of his daughter.

[9] It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

[10] Pending applications(s), if any, shall also stand disposed off.

December 07, 2023

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>