

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4209-2024 (O&M)
Date of order: 08.05.2024

Asif & another
... Petitioner(s)
Versus
State of Haryana and others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Kusum Raj, Advocate for the petitioner(s).
Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.
Mr. Senwar Ali, Advocate for private respondents.

ANOOP CHITKARA, J.

Fearing for their lives and liberty at the hands of the private respondents, the petitioners who claim to have married each other against the wishes of the private respondents, have come up before this Court by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India, seeking direction to the State to protect them.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required
3. Counsel appearing for private respondents has opposed grant of any protection to the petitioners and submits that petitioner no.2 has left behind her 1½ year of child, who is on mother's feed and it is for the other family members to take care of him/her.
4. Be that as it may, it is for petitioner no.2 to decide how to take care of her child. However, as far as protection of the lives of the petitioners is concerned, which is the fundamental right of the petitioners, this Court will not deny protection to them for the simple reason that if the allegations of apprehension of threat to their lives turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of

Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioners for one week from today. However, if the petitioners no longer require the protection, then at their request it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioners.

5. This protection is subject to the stringent condition that from the time such protection is given, the petitioner shall refrain from attending parties, bars, picnics or any area that may pose a risk to their life. The SHO should send police officer(s) to petitioners’ home to assess the required level of security. Once assessment is done, the officer should provide adequate security without the petitioners having to contact them.

6. It is clarified that if the petitioners visit any disputed place and the security officer becomes aware of it, they should advise the petitioners to avoid going there. If the petitioners still insist on going, the officer has the right to return to the police station due to petitioners’ defiance of the order.

7. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the petitioners is required in any cognizable case. It shall also be open for the petitioner(s) to approach this Court again in case of any fresh threat perception.

8. **This order shall eclipse after fifteen days from today.**

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 08, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No