



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4997-2024 (O&M)
Date of order: 04.07.2024

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

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Rajat Singh, Advocate for the petitioner(s).
Mr. Sanjeev Panwar, Addl.A.G., Haryana.
Ms. Swati Singal, Advocate for respondents no.4 to 6.

ANOOP CHITKARA, J.

Apprehending threat to their lives and liberty at the hands of the private respondents, the petitioners who claim to be in a live-in relationship, after crossing eighteen years of age, 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 from the private respondents.

2. Pursuant to notice issued by this Court, private respondents appeared in person in the Court. In the morning, when the matter was taken up, they had expressed their inability to engage a lawyer to represent them. Therefore, Ms. Swati Singal, Advocate (PH-3188-2022), who was sitting in the Court Room, was appointed as legal aid counsel to represent the private respondents and the matter was adjourned for post-lunch session. She shall be entitled for remunerations as per rules.

3. During lunch time, learned Legal Aid Counsel interacted with the private respondents no.4 to 6, who are present in Court also and on their instructions, she submits that there is nothing to fear from them and they also undertook not to cause any kind of harm to the petitioners.

4. Given the nature of order this Court proposes to pass, neither the response of official respondents nor of private respondents is required.

5. 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.

6. 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. 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.*

10. It is clarified that learned legal aid counsel shall be entitled for fee in accordance with rules.

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

(ANOOP CHITKARA)
JUDGE

July 04, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No