

2025:PHHC:076649



CRWP-5949-2025(O&M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-5949-2025(O&M)
Date of decision : 24.06.2025

Kulwinder Singh and another

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ajay Kamboj, Advocate
for the petitioners.

Mr.Surya Kumar, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. The present Criminal Writ Petition has been filed under Article 226 / 227 of the Constitution of India for directing respondents no.2 and 3 to protect the life and liberty of the petitioners.
2. Learned counsel for the petitioners has submitted that the date of birth of petitioner no.1 is 01.01.1987 (aadhar card at page 17 of the paper book) and the date of birth of petitioner no.2 is 05.01.2003 (aadhar card at page 18 of the paper book) and thus, both the petitioners are major. It is submitted that the petitioners are living in a "Live in Relationship" out of their free will and without any pressure and that petitioner no.1 was earlier married to respondent no.4 and from the said wedlock, he has two children



CRWP-5949-2025(O&M) 2

namely Mankirat Kaur and Armaandeeep Singh, who are residing with the petitioner no.1. It is submitted that respondent no.4 had left petitioner no.1 in November, 2018 and it is petitioner no.1 who is taking care of minor children and has further submitted that he undertakes to take care of them in future also. It is submitted that although there is no decree of divorce between petitioner no.1 and respondent no.4 but a customary divorce in year 2018 was taken by respondent no.4 from petitioner no.1. It is further argued that the petitioners have apprehension of danger to their life and liberty from the private respondents and thus, the petitioners had moved a representation dated 26.05.2025 for protection of their life and liberty and has submitted that the petitioners would be satisfied in case respondent no.2 is directed to look into the said representation and take appropriate action, in accordance with law.

3. Notice of motion to respondent nos.1 to 3 only.
4. On advance notice, Mr.Surya Kumar, AAG, Punjab, appears and accepts notice on behalf of respondent nos.1 to 3. He has stated that he has no objection in case, respondent no.2 looks into the representation dated 26.05.2025 (Annexure P-1) with a limited prayer for only protection of life and liberty of the petitioners and takes appropriate action, in accordance with law.
5. This Court has heard the learned counsel for the parties and has perused the paper book.



CRWP-5949-2025(O&M) 3

6. A Co-ordinate Bench of this Court vide judgment dated 18.05.2021 passed in **CRWP-4521-2021** titled as **“Pardeep Singh and another vs. State of Haryana and others”** has held as under:-

“The Constitution of India is the Supreme Law of the land. Right to life and liberty is enshrined therein and is treated as a basic feature. The said right includes the right of an individual to full development of his/her potential in accordance with his/her choice and wish and for such purpose, he/she is entitled to choose a partner of his/her choice. The individual also has the right to formalize the relationship with the partner through marriage or to adopt the non-formal approach of a live-in-relationship. The concept of live-in-relationships has crept into our society from western nations and initially, found acceptance in the metropolitan cities, probably because, individuals felt that formalization of a relationship through marriage was not necessary for complete fulfillment. Education played a great role in development of this concept. Slowly, the concept has percolated into small towns and villages also as is evident from this petition. This shows that social acceptance for live-in-relationships is on the increase. In law, such a relationship is not prohibited nor does it amount to commission of any offence and thus, in my considered view such persons are entitled to equal protection of laws as any other citizen of the country. The law postulates that the life and liberty of every individual is precious and must be protected irrespective of individual views.

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.

The petition is accordingly, disposed of with direction to respondent No.2 to consider the representation dated 9.5.2021 (Annexure P3) and to provide appropriate protection, if found necessary. It shall be ensured that no harm comes either to the lives or liberty of the petitioners.”

7. Thus, this Court is of the view that even if the petitioners are living in a “Live in Relationship”, they are entitled to protection of life and liberty. It would also be relevant to refer to a judgment of the Division Bench of this Court dated 03.09.2021 passed in **LPA-769-2021** titled as **“Ishrat Bano and another vs. State of Punjab and others”**. Ishrat Bano (petitioner therein) had filed Criminal Writ Petition no.7903 of 2021 which was dismissed by the learned Single Judge of this Court. The relevant portion of the order passed by the learned Single Judge dated 01.09.2021 is reproduced hereinbelow:-

“Prayer in this writ petition is for issuance of a direction to the official respondents to protect the life and liberty of the petitioners at the hands of respondents No.5 to 9.

Counsel for the petitioners has argued that the petitioners have performed the marriage and are apprehending threat to their life and liberty at the hands of respondents No.5 to 9. It is further



submitted that previously, the petitioner No.2 was married to one Alia Hasan and the marriage was annulled by way of divorce documents dated 26.07.2018, 27.08.2018 and 27.09.2018 i.e. vide 03 divorce deeds executed by petitioner No.2 – Aslam Khan himself.

A perusal of these 03 divorce deeds relied upon by the petitioners reveals that these are one sided documents prepared by petitioner No.2 and there are two common witnesses namely Shehnaz Ali and Feroz Khan. There is no signature of the first wife of petitioner No.2 namely Alia Hasan, giving her consent to such divorce. Even otherwise, a perusal of these divorce deeds further reveal that the marriage of petitioner No.2 was performed with Alia Hasan on 06.07.2013 and out of the said wedlock two daughters namely Sohaila Aslam and Amima Aslam were born, who are alive and residing with the first wife of petitioner No.2 i.e. Alia Hasan.

Counsel for the petitioners has further argued that after this one sided customary divorce, the petitioner No.2 has now performed marriage with petitioner No.1 on 20.08.2021. The Co-ordinate Bench while taking up this petition has directed the petitioners to inform the Court as to how much amount, the petitioner No.2 is ready to give to his earlier wife to enable her to maintain herself.

Despite taking 02 dates, no such proposal has come.

This Court cannot ignore the fact that the Court being legal guardian of the 02 minor girls, who are living at the mercy of their mother – Alia Hasan, as the petitioner No.2 is not only claiming to have divorced his first wife Alia Hasan but he has also refused to maintain and take care of the upbringing of his 02 minor daughters aged 4½ years and 02 years.

On the face of it, the present petition is nothing but a ploy to seek a seal of this Court regarding the lustful and adulterous life of



petitioner No.2 with petitioner No.1 and the Court cannot be a party to the same. The arguments of petitioner No.2 that he has a right to perform second marriage under Muslim Law is misconceived as this Court instead of taking an academic view is more concerned about the welfare of 02 minor girls as it is clear that petitioner No.2 has intentionally failed to maintain his first wife and 02 minor daughters.

Accordingly, the present petition is dismissed with Rs.1,00,000/- costs to be paid to Alia Hasan.”

8. A perusal of above would show that since the Court had primarily observed that the divorce documents were one sided documents, thus, prima-facie it appeared that the divorce was not legal. The matter was taken up in appeal and the Division Bench of this Court vide judgment dated 03.09.2021 passed in **LPA-769-2021** titled as **“Ishrat Bano and another vs. State of Punjab and others”** held 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. No person can be permitted or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take appropriate steps in accordance with law to



ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.”

9. Thus, the Division Bench after considering the aspect of protection of life and liberty being of paramount consideration and without getting into the issue as to whether the relationship between the parties was legal or not, however, granted them protection of life and liberty.

10. It is also relevant to mention here that Coordinate Bench of this Court had dismissed one Criminal Writ Petition bearing CRWP-4199-2021 vide order dated 11.05.2021 where the petitioners were also in “*Live in Relationship*”. Relevant portion of the said order dated 11.05.2021 passed in CRWP-4199-2021 is reproduced here as under:-

“Petitioners Gulza Kumari and Gurwinder Singh have filed the present petition stating that presently they are residing together, though, they intend to get married shortly; they are apprehending danger to their lives at hands of parents of petitioner No.1-Gulza Kumari. As a matter of fact, the petitioners in the garb of filing the present petition are seeking seal of approval on their live-in-relationship, which is morally and socially not acceptable and no protection order in the petition can be passed. The petition stands dismissed accordingly.”

11. The same matter was, however, taken to Hon'ble the Supreme Court of India in Special Leave to Appeal (Criminal) No.4028 of 2021 and



the Hon'ble Supreme Court of India had vide its judgment dated 04.06.2021 disposed of the same in the following terms:-

“The petitioners in both the petitions are stated to have represented to the Superintendent of Police.

The grievance is that the representation(s) has not been considered by the police.

We have gone through the representation(s). we dispose of both the petitions granting liberty to the petitioners to supplement their representation to the Superintendent of Police.

Needless to state that since it concerns life and liberty, the Superintendent of Police is required to act expeditiously in accordance with law, including the grant of any protection to the petitioners in view of the apprehensions/threats, uninfluenced by the observations of the High Court.

The Special Leave Petitions stand disposed of.

Pending applications shall also stand disposed of.”

12. The aspect of life and liberty was considered to be of paramount importance and thus, Superintendent of Police in the said case was directed to act expeditiously in accordance with law, including the grant of any protection to the petitioners therein.

13. In view of the same, it goes without saying that protection of life and liberty is a basic feature of the Constitution of India. Every person, more so, a major, has the right to live his / her life with a person of his / her choice. At any rate, whenever this Court, prima-facie, is satisfied that on account of some relatives/ persons being unhappy with the relationship between the petitioners could cause harm to the life and liberty of the



CRWP-5949-2025(O&M) 9

petitioners, then in such circumstances, the Courts are required to pass necessary directions for their protection.

14. Keeping in view the abovesaid facts and circumstances and without commenting upon the legality of the relationship or expressing any opinion on merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to respondent no.2 to consider the representation dated 26.05.2025 (Annexure P-1) and to assess the threat perception to the petitioners and after considering the same, respondent no.2 shall take appropriate action in accordance with law.

15. Accordingly, the petition stands disposed of with above said directions.

16. It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any criminal case.

17. Pending application, if any, stands disposed of in view of the abovesaid order.

**(VIKAS BAHL)
JUDGE**

June 24, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No