



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-7022-2026

Date of decision: 12.06.2026

Kusum Sharma and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Saurabh Sham, Advocate, for Mr.Sagar Sethi, Advocate,
for the petitioners.

Ms.Shiny Chopra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioners have invoked the extraordinary writ jurisdiction of this Court under Articles 226/227 of the Constitution of India seeking protection of their life and personal liberty at the hands of private respondents.

2. Learned counsel for the petitioners submits that both the petitioners are major and have solemnized marriage against the wishes of their family members. It is contended that the private respondents are opposed to the marriage and have been extending threats to the petitioners, thereby giving rise to a genuine apprehension regarding their safety and security. It is further submitted that the petitioners are residing together of their own free will and are entitled to protection of their life and liberty guaranteed under Article 21 of the Constitution of India.

3. Petition is accompanied by Aadhar Cards (Annexures P-1 and P-2 respectively) of both the petitioners, besides copy of marriage certificate along with photographs of the marriage (Annexure P3 and P4 respectively). They have also placed on record the copy of representation dated 08.06.2026 (Annexure P-5), which was moved to respondent No.2 & 3.

4. Notice of motion.

5. On the asking of the Court, learned State counsel accepts notice on behalf of respondents No.1 to 3.

6. Without expressing any opinion on the validity of the marriage, the correctness of the assertions made in the petition or any other disputed question of fact, this Court is of the considered view that every citizen is entitled to protection of his/her life and personal liberty in accordance with law. Once two major individuals choose to marry or reside together out of their own free will, such choice falls within the protective umbrella of Article 21 of the Constitution of India and cannot be interfered with except in accordance with law.

7. The Hon'ble Supreme Court in various decisions, including Lata Singh v. State of U.P., (2006) 5 SCC 475, Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368 and Shakti Vahini v. Union of India, (2018) 7 SCC 192, has repeatedly emphasized that adult individuals have a fundamental right to choose their life partner and that the State is under a corresponding obligation to ensure that their life and liberty are adequately protected.

8. In the circumstances, the present petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police/Commissioner of Police concerned to look into the representation submitted by the petitioners and assess the threat perception, if any. In case any genuine threat to the life and personal liberty of the petitioners is found to exist, appropriate steps shall be taken forthwith in accordance with law to ensure their safety and security.

9. It is, however, clarified that this order shall not be construed as an expression of opinion regarding the validity of the marriage, age, status or any civil rights of the parties. It is further clarified that this order shall not prevent any competent authority from proceeding in accordance with law if the petitioners or any other person are found involved in any criminal case or other legal proceedings.

Disposed of accordingly.

12.06.2026

Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No