

CRWP No.1016 of 2024

2024:PHHC:015116

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

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CRWP No.1016 of 2024

Date of Decision: 05.02.2024

SAMINA BANO AND ANR.

.....Petitioners

Vs

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saleem Akhtar, Advocate
for the petitioners.

Mr. Chetan Sharma, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. 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. Chetan Sharma, D.A.G., Haryana accepts notice on behalf of respondent Nos. 1 to 4 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 No.4 and in this regard they have already submitted representation dated 25.01.2024 (Annexure P-4) to respondent Nos.2 & 3. 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.5 to 7, 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-Commissioner of
Police, Gurgaon, District Gurgaon, Haryana to consider the representation dated
25.01.2024 (Annexure P-4) and assess the threat perception to the petitioners and
after considering the same, pass necessary directions to respondent Nos.3 & 4 in
this regard.

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

February 05, 2024

Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No