
(2020) 09 P&H CK 0030

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 6056 Of 2020

Binder And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 11-09-2020

Acts Referred:

Hindu Marriage Act, 1955 — Section 9
Constitution Of India, 1950 — Article 21

Citation : (2020) 09 P&H CK 0030

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Advocate : Arun Atri, Pawan Sharda

Final Decision : Disposed Of

Judgement

Amol Rattan Singh, J

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek issuance of writ in the nature of 'mandamus' directing respondents no.2 and 3 to protect their life and personal liberty by providing them adequate security and also to direct respondents no.4 to 13, to not interfere in their personal life and liberty.

On 18.08.2020, the following order had been recorded:

"All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 Pandemic.

Learned counsel for the petitioners submits that, undoubtedly, the petitioners have not married each other because petitioner no.1 is still married to respondent no.4, but they being adults, they are in a consensual live-in relationship with each other and due to that, respondents no.4 to 13 are harassing the petitioners and have even threatened to kill them, with the

petitioners also having been beaten up at their hands.

Notice of motion be issued to the respondents, with Mr. Randhir Singh Thind, learned DAG, Punjab, accepting notice on behalf of respondent- State, on the asking of the court, he already having received a copy of the petition in advance.

The Senior Superintendent of Police, Patiala, is directed to get an affidavit of a gazetted officer filed in reply to the petition, and in the meanwhile, protection of life and liberty obviously being a basic fundamental right enshrined in Article 21 of the Constitution of India, it shall be ensured that the lives and liberty of the petitioners are duly protected.

If there is any FIR registered against either of the petitioners, that fact shall also be brought to the notice of this court in the reply to be filed by the DSP/SP, but with it again to be reiterated that even if a complaint/FIR has been registered, naturally proceedings in that would continue as per law, but lives of the petitioners shall be duly protected, as would also their liberty within the parameters of law.

Adjourned to 11.09.2020."

Today, learned State counsel submits that he has received an affidavit of the Deputy Superintendent of Police, Tehsil Patran, District Patiala, stating therein that in fact even the statements of respondents no.4, 5 and 6 have been recorded, with respondent no.4 being the husband of petitioner no.1.

As per the said statements, the said respondents have stated that they have no objection to the live-in relationship of the petitioners with each other.

Whereas whether those statements have been made under duress or otherwise cannot be commented upon by this court; however, in any case the petitioners being 45 and 28 years of age respectively, obviously if they chose to live together, naturally, the court cannot have any opinion on that, subject of course to the rights of respondent no.4 in any petition filed by him under Section 9 of the Hindu Marriage Act, 1955, or any other civil proceedings initiated against them.

Thus, other than any civil proceedings initiated, which naturally would continue as per law, this petition is disposed of with the direction to respondents no.2 and 3 to ensure that the life and liberty of the petitioners be protected as per law, at the hands of respondents no.4 to 13 or any other person.