
(2021) 05 P&H CK 0009

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 4521 Of 2021 (O&M)

Pardeep Singh And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 18-05-2021

Acts Referred:

Citation : (2021) 05 P&H CK 0009

Hon'ble Judges : Sudhir Mittal, J

Bench : Single Bench

Advocate : Mandeep Singh, Devender Arya

Final Decision : Disposed Of

Judgement

Sudhir Mittal, J

The petitioners allege that they are in a live-in-relationship.

They are both major and have decided to enter into such a relationship as they are sure of their feelings for each other. A great deal of thought has

gone into the decision. However, the family of petitioner No.2 is against the relationship and are threatening to cause physical harm. A representation

dated 9.5.2021 (Annexure P-3) has also been submitted before respondent No.2, but no action has been taken thereupon, till date. Left with no other

option, they have filed the present petition.

Notice of motion.

Mr. Sanjay Mittal, Addl. AG, Haryana, accepts notice on behalf of respondent Nos.1 to 3-State and waives service.

Learned State counsel submits that live-in-relationships are not legal and are frowned upon by society. Thus, no protection can be granted to the

petitioners.

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.