

**HIGH COURT OF PUNJAB AND HARYANA  
BENCH : HON'BLE MR. JUSTICE HARKESH MANUJA  
Date of Decision: April 20, 2024**

CRWP-3481-2024

**JOGRAJ SINGH AND ANOTHER ...PETITIONERS**

**VERSUS**

**STATE OF PUNJAB AND OTHERS ...RESPONDENTS**

**Legislation:**

Article 226 of the Constitution of India

**Subject:** Criminal writ petition filed for the protection of life and liberty of the petitioners, who are in a live-in relationship, against alleged threats by private individuals.

**Headnotes:**

Filing of Criminal Writ Petition under Article 226 – Petitioners seeking directions for protection against threats to their life and liberty – Relationship between the major petitioner No. 1 and minor petitioner No. 2 (17 years & 9 months) is a matter of their personal choice and stated to be consensual [Para 1, 2].

Notice and Representation – Initial hearing and acceptance of notice by the Additional Advocate General for the respondents – Submission of a prior representation to the Senior Superintendent of Police, Hoshiarpur, concerning threats from private individuals which had not been acted upon by the police [Para 3, 5].

Precedent and Protection under Law – Reliance on analogous High Court decisions protecting individuals in live-in relationships akin to married couples seeking protection against familial threats – Cites constitutional protection of life and liberty applicable regardless of societal acceptance of the relationship [Para 6].

Court's Order and Directions – Direction issued to the Senior Superintendent of

Police, Hoshiarpur, to assess the threat perception based on petitioners' representation and take necessary action – No comment on the legitimacy of the relationship but emphasis on ensuring safety [Para 7].

Disposition – Without delving into the legality of the relationship, the petition is disposed of with specific directions to police for assessment and action regarding the threat perception to petitioners [Para 8].

**Referred Cases:**

- Shilpa and another Vs. State of Punjab and others, CRWP-10101-2021 (22.10.2021)
- Pardeep Singh and another Vs. State of Haryana, CRWP No.4521 of 2021 (O&M) (18.05.2021)

Representing Advocates:

Mr. R.K. Kapila, Advocate for the petitioners

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**HARKESH MANUJA, J. (ORAL)**

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of direction to the respondents No.2 and 3 so as to protect the life and liberty of the petitioners.
2. As per contents made in the petition along with the documents attached, it appears that the petitioner No.1 is major whereas, petitioner No.2 is 17 years & 9 months of age. The petitioners are stated to be in a “Live-in Relationship”.
3. Notice of motion.
4. Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of respondents No.1 to 3.
5. It has been contended that petitioner No.2 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.1. It has been further submitted that the petitioners are having continuous threat at the hands of respondent No.4 to 11 and in this

regard they have already submitted representation dated 15.04.2024 (Annexure P-3) to respondent No.2- Senior Superintendent of Police, Hoshiarpur. 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 respondents, the official respondents have failed to take any action in this regard.

6. Learned counsel for the petitioners also relies upon two decisions rendered by this Court in the case of “**Shilpa and another Vs. State of Punjab and others**” passed in CRWP-10101-2021 on 22.10.2021 and “**Pardeep Singh and another Vs. State of Haryana**” passed in CRWP No.4521 of 2021 (O&M) 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 of with a direction to respondent No.2-Senior Superintendent of Police, Hoshiarpur to consider the representation dated 15.04.2024 (Annexure P-3) and assess the threat perception to the petitioners and after considering the same, pass necessary

directions to officer concerned in this regard.

8. Accordingly, the Criminal Writ Petition stands disposed of in the aforesaid manner.

9. It is, however, clarified that this order shall not debar the State from proceedings against the petitioners, if involved in any other case.

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