

**HIGH COURT OF PUNJAB AND HARYANA  
BENCH : HON'BLE MR. JUSTICE ANOOP CHITKARA  
Date of Decision: 1<sup>st</sup> May 2024**

CRWP No. 3903 of 2024

**Tamanna Parmar and another ...Petitioners**

**VERSUS**

**State of Punjab and others ...Respondents**

**Legislation:**

Constitution of India, Article 21

**Subject:** Petition under Article 21 of the Constitution for protection of the petitioners, a newly married couple, who fear for their life and liberty from private respondents due to marriage against their wishes.

**Headnotes:**

Constitutional Law – Right to Life and Personal Liberty – Petitioners, fearing threats from private respondents after marrying against their wishes, seek protection under Article 21 – Court finds it appropriate to provide temporary police protection without adjudication on the merits of the threat perception – Police protection granted for one week, extendable on a day-to-day basis based on ground realities or upon request by petitioners – Petitioners restricted from attending high-risk activities to ensure their safety – [Paras 1-7].

Family Law – Right to Family Life – Despite threats, Court facilitates reconciliation efforts by allowing controlled family meetings – Family members of petitioner No. 1 permitted to meet under police supervision in civil attire – Meeting conditions set to ensure safety and decorum – [Para 8].

Procedure – Use of Court Orders – Court specifies that the order can be downloaded from the official website and used directly, ensuring swift implementation and compliance without the need for certified copies – [Para 10].

Order: Petition allowed to the extent mentioned above, providing temporary protection and arranging family meetings under supervision.

Referred Cases: None.

Representing Advocates:

Mr. Sukhwinder Singh for the petitioners.

Ms. Swati Batra, DAG, Punjab, and Mr. Sanyam Khetarpal for respondents No. 4, 6, & 9.

**ANOOP CHITKARA, J.**

Fearing for their lives and liberty at the hands of the private respondents, the petitioners who claim to have married after attaining the permissible age for marriage, against the wishes of the private respondents, have come up before this Court by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India, seeking direction to the State to protect them.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required
3. Counsel appearing for private respondents No.4, 6 & 9 submits that there is no threat to life of the petitioners from the hands of private respondents and in fact they want to meet their daughter-petitioner No.1. Counsel for the petitioner submits that they have no objection to the meeting of petitioner No.1 with her family members.
4. If the allegations of apprehension of threat to their lives turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioners for one week from today.
5. However, if the petitioners no longer require the protection, then at their request it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioners.
6. The protection is subject to the stringent condition that from the time such protection is given, the petitioners shall refrain from attending parties, bars, picnics or any area that may pose a risk to their life. The SHO should send police officer(s) to petitioners' home to assess the required level of security. Once the assessment is done, the officer should provide adequate security without the petitioners having to contact them.

7. It is clarified that if the petitioners visit any disputed place and the security officer become aware of it, they should advise the petitioners to avoid going there. If the petitioners still insist on going, the officer has the right to return to the police station due to petitioners' defiance of the order.
8. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the petitioners is required in any cognizable case. It shall also be open for the petitioner(s) to approach this Court again in case of any fresh threat perception.
9. Keeping in view the statement made by counsel for respondents No.4, 6 & 9 and considering the natural love and affection of the parents, they are permitted to meet their daughter on 02.05.2024 from 11 am to 2 pm. Respondents No.4, 6 & 9 shall visit the home of petitioner No.2 ( H.No.105, Green Park Colony, District Patiala, Punjab) to meet their daughter-petitioner No.1. State to depute one male and one female officer dressed in civil attire who shall remain present at the time of meeting at petitioners' residence and shall ensure their safety. During their visit, respondents No.4, 6 & 9 shall not threaten or induce or instigate petitioners. Counsel for respondents No. 4, 6 & 9 may accompany them during such visit. It is clarified that in addition to respondents No.4, 6 & 9 who are present in the Court, if any other family member of petitioner No.1 want to meet her, they will also be entertained by petitioner No.2. Petitioner No.2 is requested to arrange one to one meeting of petitioner No.1 with her relatives and if possible then in a separate room and if there is paucity of space, it may be in room of any neighbor with prior permission. It is clarified that protection officer deputed for the protection of petitioners shall also coordinate with the relatives and allow the meeting after due frisking and shall guard the meeting place till the end of meeting and shall ensure protection of both the parties. Petitioners, their relatives and respondents No.4, 6 & 9 shall behave with each other in proper manner.
10. ***This order shall eclipse after fifteen days from today.***
11. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

**Petition is allowed to the extent mentioned above.** All pending applications, if any, stand disposed.

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