

106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No. 5024 of 2020 (O&M)
DATE OF DECISION : 20.07.2020

Paramjit Kaur and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Nisha, Advocate,
for the petitioners.

Mr. Harjasdeep Singh, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioners have approached this Court under Article 226 of the Constitution of India, seeking directions to the official respondents to protect their life and liberty as they apprehend threat at the hands of private respondents No.4 to 10.

2. Learned counsel for the petitioners contends that both the petitioners girls. They are major and have liking for each other. They are in live in relationship for the last six months and residing in a common accommodation. She further contends that petitioners are well aware of the fact that their relationship is not in the nature of marriage as they belong to same sex. It is further contended that now both the petitioners are receiving serious threats from their family members. They also filed representation dated 10.07.2020 (Annexure P-3) to respondent No.2, but no action has been taken so far on the same. Hence, this petition.

3. Notice of motion to official respondents only, at this stage.

4. Mr. Harjasdeep Singh, DAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

5. Heard learned counsel for the petitioners, as also learned State counsel.

6. Given the nature of order being passed, there is no necessity to seek any return by the official respondents or even to serve the private respondents No.4 to 10.

7. The contents of the petition along with Annexures thereof have been perused. It seems that both the petitioners have prompted to file the instant petition thinking that live in relationship between the same sex as a couple is not a criminality. Social ethos, outlook and the philosophy appears to be evolving amongst gay couples so as to gather courage and openly come out of their closets, even though gay marriage is not yet legitimate as per the applicable marriage laws in the country. And, therefore, the live in relationships. What is perhaps coming in the way of petitioners is the social unacceptability of their relationship by their parents/family members, owing to which they are living under constant fear for the reasons stated in the petition which are not being repeated for the sake of privacy and brevity.

8. Be that as it may, the petitioners are entitled to protection of their lives and liberty as envisaged under Article 21 of the Constitution of India, regardless of the nature of relationship between them. Assuming, they were living simply as friends together, even then they are constitutionally entitled to live in peace. Legitimacy of their relationship with each other, therefore, is of no consequence viz-a-viz their right to life and liberty.

9. Without commenting on the legality of the relationship between the petitioners or otherwise, present petition is disposed of with a direction to respondent No.2 i.e. Senior Superintendent of Police, Mohali to verify the contents of representation dated 10.07.2020 (Annexure P-3) seeking protection of life and liberty. If necessary, requisite steps be taken, in accordance with law for granting protection of life and liberty to the petitioners. It is clarified that this order shall neither be treated as a stamp of this Court qua the relationship between petitioners, nor any reflection on the merits of the contentions raised by them in the present petition.

The petition stands disposed of accordingly.

(ARUN MONGA)
JUDGE

JULY 20, 2020
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No