

Present : Ms. Rosi, Advocate
for the petitioners.

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The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

In the present petition, the Petitioners seek appropriate directions from this Court providing them protection from the private respondents. Petitioner No. 1 is stated to be married. It is further stated that relations between Petitioner No. 1 and his wife are strained, but a divorce has not been obtained by them. It is further stated that Petitioner No. 1 has now run away with Petitioner No. 2 and they wish to reside together, but their relationship is not acceptable to the private respondents.

It appears that various benches of this Court, of co-ordinate strength, have formed different opinions on the matter concerned, which cannot be easily reconciled. Hence, it is considered appropriate to request the Hon'ble Chief Justice to constitute a Larger Bench to decide the following questions:-

1. Where two persons living together seek protection of their life and liberty by filing an appropriate petition, whether the Court is required to grant them protection, *per se*, without examining their marital status and the other circumstances of that case?

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2. If the answer to the above is in the negative, what are the circumstances in which the Court can deny them protection?

Illustratively, this Court has refused to grant protection to persons living together, where one of them is already married in:

1. CWP-26067 of 2019 (Seema and another Vs. State of Punjab and others) decided on 16.09.2019.
2. CRWP-1621-2020 (Sundri Yadav and another Vs. State of Haryana and others) decided on 13.02.2020.
3. CRWP-8081-2020 (Rajbala and another Vs. State of Haryana and others) decided on 07.10.2020.

On the other hand, in similar circumstances, protection was granted to the Petitioners in CRWP-5229-2020 (Geeta Kaur and another Vs. State of Punjab and others), decided on 30.7.2020.

Even in relation to live-in relationships between two adults, this Court has, considering the facts of some cases, declined protection to the Petitioners, illustratively, in:

1. CRWP-488-2020 (Sunita and another Vs. State of Haryana and others) decided on 16.01.2020.
2. CRWP-2421-2021 (Moyna Khatun and another Vs. State of Punjab and others) decided on 10.3.2021.
3. CRWP-4199-2021 (Gulza Kumari and another Vs. State of Punjab and others) decided on 11.05.2021.
4. CRWP-4268-2021 (Ujjawal and another Vs State of Haryana and others) decided on 12.05.2021.

A view contrary to the above seems have been taken by this Court, illustratively, in:

1. CRWP-7659-2020 (Banshi Lal and another Vs. State of

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Haryana and others) decided on 25.09.2020.

2. CRWP-10828-2020 (Priyapreet Kaur and another Vs. State of Punjab and others) decided on 23.12.2020.

3. CRWP-4521-2021 (Pardeep Singh and another Vs. State of Haryana and others) decided on 18.05.2021.

4. CRWP-4533-2021 (Soniya and another v. State of Haryana and others), decided on 18.05.2021.

I have used the expression “person” in the first question framed above, instead of using the expression “adult”, in view of the fact that this Court also seems to have granted protection in certain cases where both the Petitioners were not adults (for instance, see CRWP-7659-2020).

Keeping in view the fact that a large number of writ petitions are being filed before this Court involving the questions framed, the counsels would be at liberty to request the Larger Bench for interim relief and expeditious disposal.

21.05.2021
ashok

(ANIL KSHETARPAL)
JUDGE