

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

125

CRWP-197-2020

Date of decision: 08.01.2020

Sarbjit Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Hardeep Singh, Advocate
for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

The petitioners who are aged 32 years and 24 years respectively have filed the present petition for protection of their life and liberty on the averments that petitioner no. 1, who was previously married to Ranjit Singh son of Sh. Palwinder Singh resident of VPO Garhdiwala, Tehsil Dasua, District Hoshiarpur and got divorce from her previous husband on 24.06.2019, solemnized marriage with petitioner no. 2 on 07.01.2020 at Gurudwara Dashmesh Pita Patshahi Dasvi (Regd.) Village Singa Devi, Tehsil Kharar, District Mohali, as per Sikh rites and ceremonies against the wishes of respondent No.4, father of petitioner no. 1 and the petitioners are apprehending threat to their life and liberty at his instance.

Notice of motion restricted to respondents No. 1 to 3 only.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of respondents No.1 to 3. Copy of paper book has been supplied to learned State Counsel.

The petitioners are present in the Court and duly identified by their Counsel. On being questioned by the Court, the petitioners have reiterated their prayer as mentioned in the petition.

Learned counsel for the petitioners states that a representation dated 07.01.2020 (Annexure P-5) was made to the Senior Superintendent of Police, Hoshiarpur seeking necessary protection but no action has been taken so far in the matter.

Learned State Counsel has no objection if appropriate

direction is issued to respondent No. 2.

In the present case, petitioner no. 1 has claimed to have taken divorce from her previous husband in customary manner through panchayati divorce. Learned Counsel for the petitioners has filed photostat copy of memorandum of panchayati divorce in the court today which is taken on record. Prima facie, due to absence of any legally recognized custom permitting dissolution of marriage by panchayati divorce, the validity of memorandum of panchayati divorce appears to be doubtful. However, this Court is not required to adjudicate upon the question of validity of said memorandum of panchayati divorce and marriage of the petitioners. Suffices it to observe that at present this court is concerned only with the question of the protection of life and liberty of the petitioners.

In the facts and circumstances, the petition is disposed of with the direction to respondent No.2-Senior Superintendent of Police, Hoshiarpur to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-5) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances.

Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2-Senior Superintendent of Police, Hoshiarpur, for requisite compliance.

08.01.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No