

CRWP-10226-2020

Date of Decision: 09.12.2020

Aimana and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Puneet Pali, Advocate
for the petitioners.

Mr. Mehardeep Singh Dulat, Addl. AG, Punjab.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Article 226 of the Constitution of India with a prayer for directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 7. Learned counsel for the petitioner has submitted that both the petitioners are major. The date of birth of the petitioner No. 1 is 01.03.2000, as mentioned in the Aadhar Card and the date of birth of the petitioner No.2 is 05.03.1998, as mentioned in the acknowledgement slip of the Aadhar Card as Annexure P-2. He has further submitted that it is the first marriage of the petitioner No.1 and the petitioner No.2 is a divorcee and, therefore, there is no bar to solemnize this marriage. He has also referred to marriage certificate Annexure P-3, which is the Nikahnama. He has submitted that since the private respondents especially respondent No.4, who is the father of the petitioner No.1 are opposed to the marriage and there is apprehension that they will harm the petitioners as the marriage is an inter-caste marriage,

therefore the present petition has been filed for seeking protection of life and liberty of the petitioners.

Notice of motion to respondent Nos.1, 2 and 3 only, at this stage. On the asking of the Court, Mr. Mehardeep Singh Dulat, Addl. AG, Punjab accepts notice on behalf of the aforesaid respondents.

Mr. Charanpreet Singh, Advocate has caused appearance on behalf of the respondent No.4, who is the father of the petitioner No.1 and states that the petitioner has made a false averment in the Paragraph No.8 of the petition. He has stated that in case, the petitioner No.1, who is the daughter, was already married to someone else. He has sent a vernacular copy of the Nikahnama by way of e-mail. The print out of the same is taken on record and marked as 'X'. He submitted that in view of the fact that daughter of the petitioner is already married, the second marriage was void and, therefore no protection can be granted to the petitioners.

Replying to the aforesaid submissions made by the learned counsel for the respondent No.4, it has been submitted by learned counsel for the petitioners that the aforesaid Nikahnama is a forged document in view of the fact that there are no signatures or thumb impressions of the petitioner No.1 on the aforesaid Nikahnama and only the relatives of respondent No.4 have given thumb impressions as witnesses and the aforesaid document has been created only for the purpose of opposing the present petition. He further submitted that a perusal of the aforesaid Nikahnama would show that there is no mention of any 'Masjid' or 'Mehtar', which is a condition for Muslim marriage and, therefore, this document is totally false and frivolous.

I have heard learned counsel for the parties at length and have perused the record.

The present petition has been filed only for the grant of protection of life and liberty of the petitioners and this Court is not adjudicating anything with regard to the validity of the marriage between the petitioners. Once the petitioner is able to show that there is a reasonable reason to believe that there is an apprehension of threat to their life and liberty particularly in view of the fact that the marriage between the petitioners is a inter-caste marriage then it is the duty of the Court to protect the life and liberty of the petitioners.

In view of the above, the present petition is allowed with a direction to respondent No.2 -Senior Superintendent of Police, Patiala, to assess the threat perception of the petitioners and in case any threat exists, to take further adequate measures for the protection of life and liberty of the petitioners in accordance with law.

It is made clear that the above said directions are being issued only for the purpose of protection of life and liberty of the petitioners and would not reflect anything on the validity of the marriage between the petitioners inter-se.

Disposed of.

(JASGURPREET SINGH PURI)
JUDGE

December 09, 2020
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No