

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-267-2021 (O&M)

Date of decision: 12.01.2021

Bhavika Bansal and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. T.S. Hundal, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No. 1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4.

Learned counsel for the petitioners states that both the petitioners are major and have married against the wishes of respondents No. 4 and have sought protection to their life and liberty. They apprehend danger at the hands of respondents No. 4. The certificate evidencing their marriage is on record as Annexures P-3. The petitioners have submitted a representation dated 07.01.2021 (Annexure P-4) to respondent No. 2.

Learned counsel for the petitioners very fairly points out that petitioner No. 1 was earlier married and has got a *Panchayati* divorce on 11.03.2015 and now got married with petitioner No. 2.

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

On the asking of this Court, Mr. Randhir Singh Thind, DAG Punjab, accepts notice on behalf of the respondents No. 1 to 3- State.

I have heard the learned counsel for the parties.

A Division Bench of Allahabad High Court in the case titled as '**Akhlesh and another Vs. State of U.P. and others**' decided on 25.02.2020 and a Single Bench of Allahabad High Court in the case titled as '**Kusum and another Vs. State of U.P. and others**' decided on 09.11.2016, held that in the cases where any of the petitioners, has not obtained divorce from his/her spouse, no protection can be granted.

In this case, petitioner No. 1 has got *Panchayati* divorce, which does not have any legal sanctity.

In view of the above, the present petition is dismissed, as no ground is made out to allow the prayer made in the petition.

(HARNARESH SINGH GILL)
JUDGE

12.01.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No