

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

**CRWP No. 8539 of 2021
Date of decision: 09.09.2021**

Harwinder Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Davinder Kumar, Advocate
for the petitioners.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners have approached this Court, by way of filing the present petition under Articles 226/227 of the Constitution of India, seeking protection of their life and liberty on the premise that petitioner No.1 has performed marriage with petitioner No.2 against the wishes of her parents and other family members and the petitioners are apprehending threat to their life and liberty at their instance.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab and Mr. Rishu Mahajan, Advocate and Mr. Sanjeev K. Virk, Advocate accept notice on behalf of the private respondents i.e. respondent Nos. 4 to 7.

Learned State counsel as well as Learned counsel for the

private respondents submits that petitioner No. 2 Bhupinder Singh has filed a false affidavit by concealing his marital status and by stating that it is the first marriage of both the petitioners in para 10 of the petition as well as in the affidavit of petitioner No. 2, however, a perusal of the petition shows that no affidavit has been filed by petitioner No. 2.

Learned counsel for the private respondents further submits that petitioner No. 2 was earlier married to one Ruby daughter of Ram Pal, resident of Mohalla Ramdaspur, District Jalandhar and has placed on record the photographs and marriage certificate in this regard, which shows that the said marriage was performed on 10.05.2019 at Gurdwara Shri Amar Darbar, Shergarh Katcha Road, Hoshiarpur and by concealing the said fact, the present petition has been filed.

Learned State counsel submits that even petitioner No. 2 is involved in a case under Section 376(2) IPC and he is facing trial.

Vide order dated 25.09.2020 passed in **CRWP-6912-2020**, this Court, on earlier occasion also, has directed all the SHOs to keep a check over the registers maintained by all the Pandits/Granthis, who are performing such type of marriages and verify that a declaration is made by both the persons that they are unmarried, however, it appears that the instant marriage certificate (Annexure P-3) has been prepared by the Granthi of Gurdwara Guru Nanak Niwas Sahib, village Karor Kalan, Tehsil Kharar, District Mohali without following the instructions.

Accordingly, the present petition is hereby dismissed.

The SHO, Police Station Kathgarh, District S. B. S. Nagar is directed to take appropriate action in this regard.

The Registry is directed to explain as to how this petition was passed without there being the affidavits of both the petitioners.

The explanation be sent within a period of seven days from today.

09.09.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No