

CRWP-10973-2020 (O&M)

Through video conference

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

**CRWP-10973-2020 (O&M).
Decided on: January 1, 2021.**

Shehvir Singh and another

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Bikramjeet Singh Jatana, Advocate,
for the petitioners.**

Ms.Monika Jalota, DAG, Punjab.

**Mr.H.P.S.Ishar, Advocate,
for respondent No.7.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ, order or direction to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 6.

Learned counsel for the petitioners has submitted that it is a case where petitioner No.1 is in live-in relationship with petitioner

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No.2. Petitioner No.1 is already married with one Kirandeep Kaur and the marriage has not been dissolved by any decree of divorce, however, a panchayati divorce has been made between them. He has submitted that the prayer in the present petition is confined only to the grant of protection of life and liberty and it does not relate to the validity of the panchayati divorce or any other kind of relationship inter se between the parties. He has further submitted that there is active threat to the petitioners from the private respondents and that they have every apprehension that the petitioners will be eliminated in case protection is not granted. He has further submitted that both the petitioners are major. Petitioner No.1 is 30 years of age and petitioner No.2 is 29 years of age and being major, they have a right to live with any person of their choice.

Notice of this petition was issued on 31.12.2020 and Mr.Harpreet Singh Multani, AAG, Punjab, had accepted notice on behalf of the respondent Nos.1, 2 and 3 and Mr.H.P.S.Ishar, Advocate, had caused appearance on behalf of respondent No.7 who was impleaded as a party in the aforesaid order. Respondent No.7, is the wife of petitioner No.1.

Mr.H.P.S.Ishar, Advocate, has also filed reply on behalf of respondent No.7 through Email. A print out of the same is taken on record. He has submitted that the panchayati divorce which has been attached by the petitioner with the writ petition is a fabricated document and no such panchayati divorce has taken place and even otherwise also such kind of divorce has no sanctity in the eyes of law because there is no dissolution of marriage between petitioner No.1 and his wife respondent

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No.7. He has further submitted that in case petitioner No.1 gets married with petitioner No.2 without getting his marriage with respondent No.7 dissolved, this would cause loss and injury to respondent No.7.

Ms.Monika Jalota, learned Dy. A.G., Punjab, on instructions from ASI Jagdeep Singh, has submitted that the petitioners were contacted on telephone yesterday in the night and there does not seem to be any apprehension to the life and liberty of the petitioners.

To the above submission of learned State counsel, learned counsel for the petitioners has submitted that the petitioners are already on run and they are apprehending active threat at the hands of private respondents and assessment regarding the threat perception could not have been made telephonically by the police department and that the police had never contacted the petitioners in this regard.

I have heard the learned counsel for the parties.

Learned counsel for the petitioners has confined his prayer only to the grant of protection of the life and liberty of the petitioners. So far as the validity of the panchayati divorce is concerned, this Court is not dealing with this subject matter. Learned counsel for the petitioners has pointed out to para 3 of the petition and has also categorically, on instructions from the petitioners submitted that they will not get married till there is dissolution of marriage between petitioner No.1 and respondent No.7 in accordance with law by a decree of divorce. Therefore, the primary grievance of the petitioners is confined only to the protection of their life and liberty, at this stage.

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In view of above, respondent No.2 – the Senior Superintendent of Police, Rural, Ludhiana, District Ludhiana, is directed to assess the threat perception to the petitioners and in case so required then take further appropriate action in accordance with law. It is made clear that this order is confined only to the extent of protection of life and liberty of the petitioners and does not, in any manner, reflect on the validity of the panchayati divorce or the relationship inter se between the petitioners or any other subject matter whatsoever. Let the assessment be carried out within a period of two weeks from the receipt of certified copy of this order.

Disposed of accordingly.

January 1, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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