

CRWP-8113 of 2022

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

CRWP-8113 of 2022
Date of decision: 26.08.2022

Mohammad Arshad and another

.....Petitioners

vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Joginder Siwach, Advocate, for the petitioners.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Article 226/227 of the Constitution of India, prayer has been made for issuance of a direction to respondents No.2 and 3 to protect the life and liberty of the petitioners from the hands of respondents No.4 to 6, as they have solemnized marriage against the wishes of private respondents.

Learned counsel for the petitioners contends that both the petitioners are Muslim by religion. He further contends that petitioner No.1-Mohammad Arshad is already married but as per Muslim law, he is not barred from getting married with petitioner No.2 without dissolution of his first marriage. However, the private respondents are adamant to separate them from each other by resorting to illegal means. Learned counsel further submits that in view of imminent danger to the life and liberty of the petitioners, they have moved a representation dated 17.08.2022 (Annexure P-6) to respondent No.2-Senior Superintendent of Police, District Malerkotla.

Notice of motion to official respondents No.1 to 3 only at this

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stage.

On the asking of the Court, Mr. G.S. Sandhu, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3.

I have heard learned counsel for the petitioners and the State and perused the paper book.

Having regard to the facts and circumstances of the case, I am of the view that the petitioners are at liberty to live together being major and no person shall be permitted to interfere in their peaceful living as right to life is a fundamental right under Article 21 of the Constitution of India which mandates that no person shall be deprived of his right to life and personal liberty.

In view of the above, this petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, District Malerkotla, to look into the representation dated 17.08.2022 (Annexure P-6) of the petitioners seeking protection of life and liberty and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty of the petitioners

It is, however, clarified that in case, there is any criminal case registered against the petitioners, this order shall not be construed as an impediment for the law enforcing agency to proceed against the petitioners, in accordance with law.

August 26, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No