

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

SR. No.204

CRWP-10724-2022 (O&M)

Date of Decision:02.12.2022

Sitar Khan and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Kuldeep Singh Siwach, Advocate,
for the petitioners.

Mr.M.S. Bajwa, DAG, Punjab,
for respondents No.1 to 4-State.

Mr. Jimmy Singla, Advocate,
for respondents No.5 to 8.

N.S. SHEKHAWAT, J.

CRMW-1638-2022

Application is allowed, as prayed for. Short reply filed on behalf of respondent No.5 is taken on record.

Main case

The petitioners have filed the instant petition with a prayer to direct respondent No.4 not to harass the petitioners and to protect their life and liberty.

Learned counsel for the petitioners submits that petitioner No.1 belongs to Muslim community, whereas petitioner No.2 belongs to Sikh religion and they have performed their marriage on 26.09.2021 as per Sikh rites and ceremonies. He further submits that since they belong to different religions, family of petitioner No.2 is opposed to said marriage and they have extended threats to the petitioners. Learned counsel for the petitioners

further submits that they have already submitted a representation (Annexure P-6) to respondents No.2 and 3 and will be satisfied in case directions are issued to respondent No.2 to examine the matter and pass appropriate orders on the same.

Learned counsel for the State also filed a status report by way of affidavit of Jangjit Singh, PPS, Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib on behalf of respondents No.1, 2 and 4 and submitted that respondents No.5 to 8 have made the statements that their daughter Baljinder Kaur (petitioner No.2) had solemnized marriage with Sitar Khan (petitioner No.1) out of her own free will without disclosing anything to them. They have no objection to this marriage and would not interfere in the matrimonial life of the petitioners. Their statements have been annexed as Annexures R-1/T to R-4/T.

A short reply has also been filed on behalf of respondent No.5, wherein it has been stated that marriage has been performed by the petitioners illegally and by overlooking the provisions of Hindu Marriage Act. Still further, even the marriage certificate dated 26.09.2022 (Annexure P-1) is forged and fabricated document and no such marriage as alleged was solemnised between the petitioners.

Heard.

Without expressing any opinion on the merits of the case, respondent No.2- is directed to look into the representation (Annexure P-6) and pass an appropriate orders expeditiously, in accordance with law. It is made clear that respondent No.2 shall apply his mind independently to the facts of the case and may also grant an opportunity of hearing to the parties

to the instant petition.

This order shall not be construed as an expression of opinion on the validity of the marriage of the parties. The parties mentioned in the petition or any other person mentioned in the petition shall be at liberty to take recourse to appropriate law, if so advised.

The present petition stands disposed of, accordingly.

02.12.2022
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO