

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5309-2023
Decided on : 30.05.2023

Geeta and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sukhbir Maandi, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India, is for issuance of directions to official respondents No.2 & 3, to provide protection of lives and liberty of the petitioners, who have married against the wishes of private respondents No.4 to 6.

2. At the outset, learned counsel for the petitioners submits that petitioner No.1 was earlier married to one Mangal Singh s/o Dalip Singh, and one daughter namely Mandeep Kaur was born out of the said wedlock on 07.04.2009, who is presently residing with petitioner No.1. However, said Mangal Singh (earlier husband of petitioner No.1) had expired on 20.08.2016. In support of his contention, learned counsel refers to the death certificate dated 17.09.2016, which is attached as Annexure P-3 along with present petition.

3. Learned counsel for the petitioners further submits that petitioner No.1 – Geeta, aged more than 35 years and petitioner No.2 – Prem Masih, aged more than 26 years, have performed their marriage on 18.05.2023 according to Sikh Rites & ceremonies, against the wishes of their

family members, arrayed as respondents No.4 to 6. Further submits that it is the second marriage of petitioner No.1 and first marriage of petitioner No.2.

4. Learned counsel for the petitioners further submits that ignoring the affidavit regarding conversion from Christianity to Sikhism dated 18.05.2023 (Annexure P-6), attached with the petition, petitioner No.2 would take necessary steps in accordance with law for the conversion of religion. It has been submitted that the private respondents are threatening to interfere in the matrimonial life of the petitioners. Hence, the petitioners are seeking protection in that regard and have approached this Court by way of filing the instant petition. They have also submitted a representation dated 18.05.2023 (Annexure P-7), to respondent No.2 – Senior Superintendent of Police, Gurdaspur, wherein, they have expressed their apprehension.

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

6. On asking of the Court, Mr. JS Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3 (State).

Let requisite copies of the complete paper-book be supplied to learned State counsel during course of the day.

7. In view of the above, the present petition is disposed of with a direction to respondent No.2 – Senior Superintendent of Police, Gurdaspur, to look into the representation dated 18.05.2023 (Annexure P-7), *qua* threat perception, and if there is any substance in it, take necessary steps, in accordance with law, to ensure that the lives and liberty of the petitioners are not jeopardized at the hands of the private respondents.

8. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

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9. Besides above, petitioner No.2 is directed to move an appropriate application before the concerned authority for allowing the conversion of religion, in accordance with law, within a period of one week from today. Thereupon, the authority concerned is expected to decide the same, within the stipulated period, as per law.
10. Petition stands disposed of in above terms.

(SANJAY VASHISTH)
JUDGE

May 30, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No