



130

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

**CRWP-3995-2024 (O&M)
Date of decision: 09.05.2024**

Sageer and anotherPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.P.S Rahi, Advocate,
for Mr. Khalid Tauru, Advocate,
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Sarfaraj Anjum, Advocate,
for respondent No.4.

Mr. Munfaid Khan, Advocate,
for respondent No.6.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution praying for issuance of directions to respondent Nos.1 to 3 to protect life and liberty of petitioners at the hands of respondent Nos.4 to 7.

2. Contends that both the petitioners are Muslims and have solemnized marriage on 27.04.2024 with their free consent as per Sharia Law. Further contends that petitioner No.1 is already married with Sarmina D/o Ali Mohammad and having three children from that wedlock; whereas, it is the first marriage of petitioner No.2. Also contends that respondent Nos.4 to 7 are against this marriage and as such, both the petitioners are facing serious threat



to their life and liberty at the hands of private respondents.

In support of the above contentions, learned counsel for the petitioners has cited the following judicial precedents:-

(i) *Kammu Vs. State of Haryana (P&H)*, CRWP-623-2009, decided on 16.02.2010; (ii) *Yunus Khan Vs. State of Haryana & others (P&H)*, CRM-930-2014 in CRWP-1247-2013, decided on 17.02.2014; (iii) *Mohd. Samim Vs. State of Haryana*, CRWP-532-2018, decided on 26.09.2018; (iv) *Shoukat Hussain and another Vs. State of Punjab and others*, CRWP-733-2021, decided on 25.01.2021; (v) *Nargis Vs. State of Punjab (P&H)*, CRWP-12067-2021 decided on 22.12.2021; (vi) *Zakir Hussain and another Vs. State of Haryana and others*, CRWP-8693-2022 (P&H), decided on 13.12.2023.

3. *Per contra*, learned State counsel, while opposing the prayer, submitted that petitioner No.1 is facing two criminal cases of serious nature registered at Police Station Sadar, Nuh, at the instance of respondent No.4- Rasidan (mother of petitioner No.2), but he has deliberately concealed these material facts, while filing the present petition. Further submitted that petitioner No.1 is running away from the process of law; hence, petition is liable to be dismissed only on this ground. Also submitted that petitioner No.1 is already married and having six children from his earlier wife and now solemnized the second marriage with a minor (petitioner No.2) despite the fact that his first marriage is still subsisting.

4. Learned counsel for respondent Nos.4 & 6 also opposed the prayer of petitioners while submitting that there is no provision for second



5. Heard learned counsel for the parties and perused the paper-book.
6. It is not in dispute that petitioner No.1 is facing two criminal cases and details of which are as under:-
 1. FIR No.113 dated 30.03.2024 under Sections 506, 363 & 366 read with Section 34 of the Indian Penal Code, 1860 (for short, 'IPC') & Section 4 of the Prevention of Children from Sexual Offences Act, 2012 (for short, 'POCSO'); and
 2. FIR No.0153 dated 27.04.2024 under Sections 363 & 366-A IPC read with Section 34 IPC, both registered at Police Station Sadar, Nuh, at the instance of respondent No.4-Rasidan (mother of petitioner No.2).
7. As apprised by learned State counsel, despite best efforts, police is not able to apprehend petitioner No.1; rather he is evading the process of law. Thus, in such a scenario, it is quite clear that petitioner No.1 is trying to scuttle the investigation, under the garb of present petition in above criminal cases.
8. In view of the above factual position, judicial precedents cited by learned counsel for the petitioners are not helpful in any manner. For the sake of repetition, it is specifically observed that petitioner No.1 is facing two criminal cases of serious nature and he is avoiding the process of law; whereas, in the judicial precedents (*supra*), the factual position was entirely different.
9. Hence, in such a scenario, present petition is nothing, but as a camouflage to thwart the ongoing investigation in both the above criminal cases.



11. Ordered accordingly.
12. However, it is clarified that dismissal of present petition be not construed as an expression of opinion on the legality and validity of the marriage solemnized between the petitioners.
13. Pending application(s), if any, shall also stand disposed off.

09.05.2024
atulsethi/v

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No