

CRM-M No.21709 of 2017

Date of Decision: June 13, 2017

Sikherdeep Singh and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGHPresent : Mr. Dhawaljeet Dutta, Advocate
for the petitioners.**AMOL RATTAN SINGH, J. (ORAL)**

The petitioners, who are present in the Court, are seeking protection of their lives and liberty at the hands of respondents no.4 to 8 who are stated to be the parents and other relatives of petitioner no.2, on account of the fact that they have married each other of their own free will on 07.06.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of petitioner No.1, a typed copy of the Aadhar Card issued by the Unique Identification Authority of India, has been annexed with the petition as Annexure P-1 (the original of which has been produced in Court), showing his year of birth to be 1999, thus making him below the marriageable age for males.

As regards petitioner No. 2, as per her original Aadhar Card produced in Court today, her year of birth is 1999, thus making her possibly above the legally marriageable age for females.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier. He states that he has

obtained specific instructions from the petitioners in that regard.

Since protection of lives and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India, this petition is disposed of with a direction to respondents No.2 & 3 to ensure that the lives and liberty of the petitioners are not put to any harm or threat at the hands of the aforesaid respondents or at their behest.

However, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, or with regard to their age, this order shall not be construed to be a bar on any proceedings initiated as per law.

Since petitioner No.1 is admittedly below the legally marriageable age for males as per provisions of the Prohibition of Child Marriage Act, 2006, respondent no.2, i.e. the Senior Superintendent of Police, Gurdaspur, is directed to refer the matter to the Child Marriage Prohibition Officer, i.e. the Sub Divisional Magistrate, Gurdaspur, for initiation of proceedings under the said Act. However, other than that, the lives and liberty of the petitioners would continue to be protected within the four corners of law.

June 13, 2017

ps-I/harsha

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No