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

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Crl. Misc. No.M-22263 of 2017

Date of Decision: June 16, 2017

Sarbjit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Aggarwal, 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, brothers and other relative of petitioner no.1, on account of the fact that they have married each other of their own free will on 14.06.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

In support of proof of age of petitioner No.1, a copy of the Birth Certificate issued by the Local Registrar, Births and Deaths, Municipal Corporation, Shahid Bhagat Singh Nagar, Punjab, has been annexed with the petition, (the original of which has been produced in Court), showing her date of birth to be 14.10.1988, thereby making her

well above the legally marriageable age.

As regards petitioner No.2, a copy of the Birth Certificate issued by the Local Registrar, Births and Deaths, Gram Panchayat, Bharoli, Block Banga, District Nawanshahr, Punjab, has been annexed with the petition, (the original of which has been produced in Court), showing his date of birth to be 09.01.1989, thus making him well above the legally marriageable age.

Petitioner no.1, i.e. Sarbjit Kaur, is stated to have been married earlier but it is contended that she has obtained a decree of divorce from her first husband, a copy of the decree having been annexed as Annexure P-7 herewith.

On a specific query, learned counsel submits that though it is an *ex parte* decree granting divorce to petitioner no.1 herein, from her first husband, the said decree has never been challenged by her first husband. The petitioners are not stated to be in any prohibited relationship to each other.

Consequently, since protection of life 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 and 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.

(Amol Rattan Singh)

Judge

June 16, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No