

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 31030 of 2017 (O&M)
Date of decision : August 23, 2017

Dharmpreet Singh and another

... Petitioners

VERSUS

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Petitioners in person with
Mr. D.S. Nigha, Advocate.

SURINDER GUPTA, J.(Oral)

This is petition under Section 482 of Cr.P.C. seeking protection to the life and liberty of petitioners who have performed marriage against the wishes of private respondents.

Heard.

Petitioner No.1 Dharmpreet Singh is 19 years of age while petitioner no.2 Nirmal Kaur is also 19 years of age. As per documents on file their marriage was performed by Surjeet Singh, Head Granthi, Gurudwara Guru Nanak Dev Ji, Phase VI, S.A.S. Nagar Mohali. In the marriage certificate issued by him, he has mentioned the date of birth of petitioner no.1 Dharmpreet Singh as 5.10.1998 meaning thereby that he was fully aware that the petitioner no.1 was minor at the time of his performing their marriage. As per definition of “child” given in the Prohibition of Child Marriage Act, 2006, “a male who has not completed the age of twenty-one years is a child” and Section 10 of the aforesaid Act prescribe the punishment for the persons who performs, conducts, directs or abets child marriage.

The above provisions have been discussed not to decline he protection of life and liberty of petitioners who have gone for marriage

against the wishes of relatives of petitioner no.2. The security of life and liberty of the petitioner is the prime concern of this Court as well as of law enforcing agency.

Consequently, this petition is disposed of with direction to respondent No.2-Senior Superintendent of Police, Moga to look into the representation dated 13.8.2017 (Annexure P-5), verify the submissions regarding threat to their life and liberty and take appropriate action in accordance with law, on receipt of copy of this order along with representation in his office.

However, it is made clear that this order will have no effect on the validity of alleged marriage of the petitioners or on any other civil or criminal proceedings instituted against them.

As Surjeet Singh, Head Granthi, Gurudwara Guru Nanak Dev Ji, Phase VI, S.A.S. Nagar Mohali has performed the present marriage in violation of provisions of the Prohibition of Child Marriage Act, 2006, Senior Superintendent of Police, S.A.S. Nagar, Mohali is directed to initiate legal action against him in accordance with law. Copy of paper book of this case along with copy of this order be conveyed to Senior Superintendent of Police SAS Nagar, Mohali.

August 23, 2017
deepak/jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No