

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

Crl. Misc. No.M-22975 of 2018 (O&M)
Date of Decision: 29.05.2018

Manish Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Umesh Aggarwal, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

Pursuant to the order dated 28.05.2018, learned counsel for the petitioners has produced in Court today a copy of the representation dated 28.05.2018, shown to be addressed to the Commissioner of Police, Amritsar and the person/Incharge, Police Post, Kot Khalsa, Dashmesh Nagar, Amritsar.

The said representation is ordered to be taken on record as Annexure P-6 with the accompanying petition, subject to all just exceptions.

The petitioners, who are present in the court, are seeking protection of their lives and liberty at the hands of respondents No.4 to 6, who are stated to be the father and brothers of petitioner No.2, on account of the fact that they have married each other of their own free will, against the wishes of the said respondents on 23.05.2018. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of the petitioners, what are stated to be their original Matriculation Examination Certificates, in the case of petitioner no.1 issued by the Punjab School Education Board and in the case of petitioner no.2, by the Himachal Pradesh Board of School Education, showing the date of birth of petitioner no.1 to be 27.09.1992 and that of petitioner no.2 to be 14.03.1994, have been produced in Court.

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.

Consequently, since protection of life and liberty is a fundamental right of every citizen under Article 21 of the Constitution of India, without making any comment on the validity of the marriage, 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 proceedings initiated as per law.

29.05.2018
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: Yes