

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24875 of 2018
Date of Decision: 01.06.2018

Neelam and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Kuljinder Kaur, 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. 3 to 6, who are stated to be the parents and the brother of petitioner no. 1, on account of the fact that they have married each other of their own free will, against the wishes of the said respondents on 31.05.2018. 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 photocopy of her “acknowledgment/resident copy”, issued by the Unique Identification Authority of India, has been annexed with the petition as Annexure P-1. However, what is stated to be her original birth certificate, issued by the Medical Officer, Primary Health Centre, Bhutan Kalan, Fatehabad, has been produced in Court today, showing her date of birth to be 13.08.1997, thus making her about 21 years of age as on the date of the marriage.

As regards proof of age of petitioner no. 2, a photocopy of his Aadhar card, issued by the Unique Identification Authority of India, has been annexed with the petition as Annexure P-2, the original of which has been produced in Court today, showing his date of birth to be 15.04.1996, thus, making him more than 22 years of age as on the date of the marriage.

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.

Consequently, since protection of life and liberty is a fundamental right of every citizen under Article 21 of the Constitution of India, without commenting 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.

June 01, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes.