

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-33868 of 2018 (O&M)
Date of decision : 07.08.2018

Raj Preet Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioners have preferred the instant petition under Section 428 Cr.P.C. for issuance of a direction to respondent Nos.1 to 3 to safeguard the life and liberty of the petitioners as they have performed inter-caste marriage against the wishes and will of respondent Nos.4 to 11.

Petitioner No.2 Neelam Kaur claims to be 17 years of age. Further, case of the petitioners is that they have married with each other on 02.08.2018 i.e. during the minority of petitioner No.2 Neelam Kaur.

In Section 9 of the Prohibition of Child Marriage Act, 2006, it is provided that whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

Undisputedly, petitioner No.1 Raj Preet Singh is an adult. He married with a minor girl i.e. petitioner No.2 knowingly well that she is minor.

In this view of the matter, appropriate action be taken in accordance with law. However, the Court hereby issues directions to State of Punjab to examine and consider the case of petitioners and if it is found that there is real and genuine threat to their life, limb and liberty at the hands of respondent Nos.4 to 11 then they will be provided protection forthwith. If the situation so demands, the petitioners be also provided facility of Protection Home as per their requirement. However, this order shall not be applicable in case any act / conduct of any of the petitioners pertaining to the application, amounts to an offence.

Petition stands disposed of accordingly.

A copy of this order be sent to the State of Punjab and Senior Superintendent of Police, Tarn Taran.

07.08.2018

mamta

(RAJ SHEKHAR ATTRI)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No