

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM No.M-3560 of 2018 (O&M)

Date of decision:12.2.2018

Kamaljit and another

... Petitioners

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Jatinder Kumar, 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 father and brothers of petitioner no.1, on account of the fact that they have married each other of their own free will on 23.1.2018. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

Though it was recorded in the order dated 29.1.2018 that the petitioners were not responding to learned counsels' query with regard to producing their academic qualification certificates to show any proof of age, today CRM No.4928 of 2018 has been filed by petitioner no.1 in person, stating that neither of the two petitioners have their academic qualification certificates with them presently and that those certificates are in the custody of their respective parents. The application is accompanied by the affidavits of both the petitioners, copies of their Aadhar Cards already having been annexed with the petition as Annexures P-1 and P-2.

Today, the originals of the Aadhar cards have been produced in

Court, showing therein that the date of birth of petitioner no.1 is 1.1.1997 thereby making her more than 21 years of age as of today and the date of birth of petitioner no.2 is 20.10.1994 thereby making him more than 23 years of age.

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 enshrined in 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 any proceedings initiated as per law.

12.2.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No