

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 2499 of 2019
Date of Decision: 20.12.2019

Shivali and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sukhwinder Singh, 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 9, who are stated to be the parents, brother and other immediate relatives 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 17.12.2019. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of both the petitioners, a photocopy of the Aadhar card of petitioner no. 1, issued by the Unique Identification Authority of India, has been annexed with the petition as Annexure P-1 and an affidavit executed by petitioner no. 2, showing his date of birth to be 15.08.1997, has been annexed as Annexure P-2 with the petition.

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.

It is to be noticed that with no firm proof of age having been shown to this Court, (other than an Aadhar card), naturally, if any of the petitioners is found to be below the legally marriageable age, any proceedings initiated under the Prohibition of Child Marriage Act, 2006, would not remain stayed.

It is to be also observed that this Court has not made any comment on whether or not any of the petitioners is actually below marriageable age or not.

December 20, 2019

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.