

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRWP No. 3027 of 2020

Date of Decision: 05.05.2020

Sheo Shanker Mishra and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. L.S. Lakhanpal, Advocate,
for the petitioners.

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

The hearing in this case and all other seven cases listed today before this Bench, has been by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 8 upon the petitioners having married each other (as contended) against the wishes of the said respondents on 24.04.2020.

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 making

any comment whatsoever on the validity of the marriage or otherwise, this petition is disposed of with a direction to respondents No.2 and 3, i.e. the Commissioner of Police, Jalandhar and the Station House Officer, Police Station Division No. 5, District Jalandhar, respectively, 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, if it is found that either of the petitioners is not of marriageable age, this order would not be taken to be any protection against prosecution under the provisions of the Prohibition of Child Marriage Act, 2006.

Further, 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, this order shall not be construed to be a bar on proceedings initiated as per law.

May 05, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.