

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRWP No. 3120 of 2020

Date of Decision: 21.05.2020

Sukhwinder Kaur and another

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Manpreet Singh Bhatti, Advocate,
for the petitioners.

Mr. Suveer Sheokand, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek protection of their lives and liberty at the hands of respondents no. 4 to 8, on account of the fact that the petitioners are stated to have got married to each other against the wishes of the said respondents.

Upon specific query put to learned counsel for the petitioners, she submits that, firstly, both the petitioners are of marriageable age as per law; they are not any prohibited relationship to each other, and that none of them has been married earlier.

Learned State counsel, also (upon reading the averments in the petition alone), submits that as per the petition, the contentions raised by learned

counsel for the petitioners are in terms thereof.

However, naturally, he has not been able to verify the truth or otherwise of the contentions made in the petition.

Be that as it may, since protection of life and liberty is a fundamental right guaranteed to 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 Senior Superintendent of Police, Gurdaspur and the Station House Officer, Police Station, Dinanagar, Tehsil and District Gurdaspur, 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 are found to be incorrect, this order shall not be construed to be a bar on proceedings initiated as per law.

May 21, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.