

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117)

CRWP no.3655 of 2020 (O&M)
Date of Decision: 11.06.2020

Asha Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vikas Arora, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

All the 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.

The petitioners are seeking protection of their lives and liberty at the hands of respondents No.4 to 9, who are stated to be the parents 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 08.06.2020. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of the petitioners, copies of their Aadhaar Cards have been annexed with the petition as Annexures P-1 and P-2 respectively.

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.

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 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, as to whether petitioner no.1 is genuinely 18 years of age or not, an enquiry shall be got conducted by the SSP, Patiala and the SHO, Police Station Sadar, Patiala, from the school from which she (petitioner no.1) last studied, as to her actual date of birth which is to be further verified from the Registrar, Births and Deaths concerned.

If petitioner no.1 is found to be below the legally marriageable age, proceedings under the provisions of Prohibition of Child Marriage Act, 2006, shall be initiated as per law.

However, it is made clear that this court has not made any comment on the actual age of petitioner no.1 in the absence of any evidence presented to it in the form of original certificates etc. (as to whether she is actually above or below the legally marriageable age), which is something to be determined by respondents no.2 and 3.

With the aforesaid observations, this petition is disposed of.

11.06.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No