

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

107

CRWP No.8912 of 2020.

Date of Decision: 30.10.2020.

Ajay Singh and another

....Petitioners.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Deepak Arora, Advocate for petitioners.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Petitioners have sought protection of their life and liberty, *inter alia*, taking the plea that they performed the marriage with each other, whereas private respondents are not accepting their marriage and now they are apprehending danger to their life and liberty from private respondents. Learned counsel for the petitioners contended that the petitioners performed marriage on 26.10.2020 though petitioner No.2 is six months less than 18 years of age.

Notice of motion to respondents No. 1 to 4 only.

At the asking of Court, Mr. M.S. Nagra, Assistant Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 4. Complete copy of paperbook has been supplied to him.

Having heard learned counsel for the petitioners and the State, although petitioner No.2 is not of marriageable age, yet the prayer is based on Article 21 of the Constitution of India, and therefore, deserves the immediate attention of the Police Department to ensure that the petitioners

are not unduly harassed by anyone including the private respondents. It is not for this Court in a protection petition to engage itself in social mores, norms and human behaviour or introduce personal ideas on morality. Even if the girl is minor, it must be remembered that in the Hindu Marriage Act, 1956 marriage of a minor girl is not void but voidable on reaching the marriageable age. Reliance in this regard can be placed on decision dated 12.05.2020 of Co-ordinate Bench of this Court in **CRWP No.3048 of 2020** titled “**Smanpreet Kaur and another Vs. State of Punjab and others**”.

In view of above, respondent No.2-Senior Superintendent of Police, Pathankot, is directed to consider the representation dated 26.10.2020 (Annexure P/7) and issue necessary orders, as warranted by law, so as to ensure that no harm is caused to the life and liberty of the petitioners at the hands of private respondents.

However, it is also made clear that this order shall not be taken to validate the alleged marriage of the petitioners or entitle them for any protection against their arrest or continuance of any criminal proceedings, if they are found involved in the commission of any cognizable offence. In case, the petitioners had committed any offence, the law will take its own course.

With the above said observations made and directions issued, the present petition stands disposed of.

(LALIT BATRA)
JUDGE

30.10.2020
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No