

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

CRWP no. 9569 of 2020

Date of Decision: 17.11.2020

Gurpreet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vishal Sharma, Advocate, for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, 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 direction to respondents no.2 to 5 to protect their life and liberty at the hands of respondents no. 6 to 9, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 11.11.2020.

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. 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 to 5, i.e. the Superintendent of Police, District Tarn Taran, SHO Police Station Patti, Chowki Incharge, Village Ghariyal, Patti and SHO, Police Station, Valtoha, Patti, 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.

Since copies of the Aadhar cards annexed with the petition are no firm proof of the age of the petitioners, if the age of either of the petitioners is found to be below the legally marriageable age as contained in the Prohibition of Child Marriage Act, 2006, this order shall not in any manner bar proceedings under the provisions of that Act, offences punishable under those provisions, being cognizable offences in terms of Section 15 thereof.

Naturally, if any of the averments made in the petition are found to be false, again this order would not prevent any action to be taken as per law.

November 17, 2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO