

CRWP No. 9608 of 2020

Date of Decision: 23.11.2020

Manprit @ Manpreet Kaur and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr Srishti Shukla, Advocate, for the petitioners.

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 life and liberty at the hands of respondents no. 4 to 8 upon them having married each other (as contended) against the wishes of the said respondents, on 17.11.2020.

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 Senior Superintendent of Police, Ambala and SHO, Police Station Panjakhera, Ambala, (respondents no. 2 and 3), 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.

It is to be noticed in this case that since both the petitioners are shown to be exactly of the marriageable age for females and males, respectively, even as per the petition, i.e. 18 and 21 years, while of course ensuring protection of life and liberty (as per law), their correct age shall be determined by the Superintendent of Police, Ambala and the SHO Police Station Panjokhera, from the academic institutions that they last attended and if either of them is found to be below marriageable age, obviously action accordingly would be taken.

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.

November 23, 2020

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)**JUDGE**

Yes
No.