

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120)

CRWP no.9824 of 2020

Date of Decision: 26.11.2020

Navjot Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Impinder Singh Dhaliwal, Advocate, for the petitioners.

Mr. Samina Dhir, 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 protection of life and liberty at the hands of respondents no.4 to 7, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 15.11.2020.

Petitioner no.1 is shown to be above the age of 18 years as per the copy of the certificate issued by the Board of School Education, Haryana (copy Annexure P-2), with learned counsel for the petitioner specifically stating that though petitioner no.2 is 33 years old this is the first marriage of both the petitioners and that they are not in any prohibited *sapinda* relationship to each other.

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, 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 there is no firm proof of age of petitioner no.2 other than his Aadhar Card, which is actually not a firm proof of age, the said petitioner is found to be below the marriageable age in terms of the provisions of the Prohibition of Child Marriage Act, 2006, this order shall not be construed to be a bar on any proceedings initiated under that Act, the offence committed under that Act being cognizable in terms of Section 15 thereof.

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.

26.11.2020

dharamvir /

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned :Yes
Whether Reportable :No