

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

110)

CRWP no.2749 of 2021

Date of Decision: 18.03.2021

Manjit Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Manoj Pundir, Advocate, for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 7, upon them having married each other (as contended) against the wishes of the said respondents, on 14.03.2021.

As regards proof of the age of petitioner no.1, the educational certificate issued by the Board of School Education, Punjab, i.e. the photocopy of her Matriculation Examination Certificate, has been annexed as Annexure P-1, showing her to be born on 10.04.2000.

As regards proof of the age of petitioner no.2, a photocopy of the birth certificate, issued by the Health and Family Welfare Department, Punjab, has been annexed as Annexure P-2, showing his date of birth to be 20.06.2001, i.e. he is less than 21 years of age.

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.

Though otherwise Section 15 of the Prohibition of Child Marriage Act, 2006, makes all offences punishable under the provisions of that Act to be cognizable offences, however, as per the judgment of the Supreme Court in “**Hardev Singh vs. Harpreet Kaur and others**”, 2020 (1) RCR (CrI.) 238, where the girl in question is above legally marriageable age, no offence would be made out in terms of the said Act and consequently, no further comment is required to be made in that regard by this court.

However, it is again reiterated that this court has not made any comment whatsoever on the validity of the marriage, or otherwise.

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, or their age, this order shall not be construed to be a bar on proceedings initiated as per law.

January 18, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No
Whether reportable: Yes/No