

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

(Heard through VC)

CRM-W-558-2021 and
CRM-W-513-2021 in/and
CRWP No.3708 of 2021 (O&M)
Date of Decision: May 26, 2021

Rekha and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Virender Soni, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-W-558-2021

This is an application that has been filed seeking to prepone hearing in the main case, which is now listed for 27.08.2021.

Counsel for the petitioners would contend that as on date, no protection has been allowed to the couple, who have now solemnized a marriage during the pendency of the criminal writ petition.

For the reasons mentioned in the application, the same is allowed. Hearing in the main case is preponed and the same is taken up for hearing today.

CRM-W-513-2021

Allowed as prayed for.

Documents Annexures P-4 to P-9 are taken on record.

CRWP-3708-2021

Counsel for the petitioners has taken the plea for grant of protection to the petitioners on account of the fact that the petitioners herein have solemnized a valid marriage under the Hindu Marriage Act.

As per the plea taken in the application (CRM-W-513-2021) the parties have solemnized a marriage, even though one of the petitioners namely Rekha is under age. The photographs of marriage Annexure P/5 and Marriage Certificate Annexure P-4 have been placed on record evidencing their marriage.

Considering the fact that both the parties are seeking protection, this court deems it appropriate to direct the State to allow them protection, even though the girl is under age. In this regard, reliance can be placed upon the judgment rendered by this court in the case of ***Rajpreet Kaur and another vs. State of Punjab and others***, CRWP No.3076 of 2020, decided on 28.05.2020 and the judgment rendered by the Division Bench of the Delhi High Court in ***Jitender Kumar Sharma Vs. State and another***, ***2001(7) AD (Delhi) 785***. Reliance can be further placed upon judgment rendered by this court in ***Elaichi and another vs. State of Punjab and others***, LPA No.385 of 2016, decided on 16.05.2016 wherein, it has been held that validity of the marriage may be an issue to be gone into by the competent authority when an issue of such validation is raised, but to force the young people to undergo the rigors of registration of a case of police

investigation, may come directly in conflict with the sacrosanct fundamental right to life and liberty granted to each citizen.

Counsel for the respondent-State also points out that in fact necessary directions for protection of life and liberty of the petitioners have already been issued on 20.04.2021 by the Dy. Superintendent of Police (Detective), Hisar.

In view of the facts and circumstances of the present case and above ratio of law, without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of this petition with directions to respondent No.2 to look into the matter and take into account the subsequent event of marriage of the petitioners and decide the representation 14.04.2021 of the petitioners (Annexure P/3) within a period of one week from the date of receipt of a copy of this order. Let the directions as issued by the Dy. Superintendent of Police (Detective), Hisar on 20.04.2021 for protection of life and liberty of petitioners be continued till required. It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any committed by them.

May 26, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No