

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114)

CRWP no.4324 of 2021

Date of Decision: 13.05.2021

Mouchumi Bania and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Veenus Malik, Advocate, for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 and 5, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 15.01.2021.

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. She states that she 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, 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 either of the petitioners other than their Aadhar Cards, which is actually not a firm proof of age, if any of the petitioners are 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 offences committed under that Act being cognizable in terms of the provisions 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.

13.05.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned :Yes

Whether Reportable :No