

Simran and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manoj R. Sharma, Advocate, for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 and 5, upon them having married each other (as contended) against the wishes of the said respondents, on 05.05.2021.

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. 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, Rupnagar and the SHO, Police Station Nurpur Bedi, District Rupnagar, 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.

By way of proof of age, copies of the Matriculation examination certificates of both the petitioners, issued by the Punjab School Education

Board, have been annexed with the petition, as Annexures P-1 and P-2 respectively, showing the date of birth of petitioner no. 1 to be 03.05.2003 that of petitioner no. 2 to be 11.07.1998.

However, as regards the copy of the matriculation certificate of petitioner no. 1 which has been annexed with the petition as Annexure P-1 thereto, showing her date of birth to be 03.05.2003 (thereby making her just above 18 years of age), it is seen that the photocopy of what is stated to be the original does not contain even her photograph, which would always be so when a Matriculation Examination Certificate is issued by the Punjab School Education Board.

Learned counsel submits that the certificate was downloaded by him from the website of the said Board.

Consequently, if upon verification of the aforesaid certificates the age of the petitioners is found to be below marriageable age, specifically of petitioner no. 1, this order will obviously not prevent institution of proceedings under the provisions of the Prohibition of the Child Marriage Act, 2006, all offences punishable under that Act being cognizable offences 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.

May 13, 2021

nitin

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.