

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

CRWP-5858 of 2021

Date of Decision: 29.6.2021

Sabina and another

.... Petitioners

Vs.

State of UT Chandigarh, and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms.Sonia Rani, 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 to 9, who are stated to be the parents, brothers and other relatives of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 24.6.2021.

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.

Though notice of motion has not been issued in this case, Mr.Anupam Bansal, learned Addl.PP, UT Chandigarh, has appeared on an advance copy of the petition given to him by learned counsel for the

petitioners.

He submits that in fact the petitioners were not found to be residing at the address given in the memo of parties and hence in such a situation protection of life and liberty cannot be given.

(Since respondents no.1 to 3 are already represented by Mr.Anupam Bansal, notice on the said respondents obviously stands waived).

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 is found to be below 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, offences 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.

29.6.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
No/Yes