

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118)

CRWP no.5970 of 2021 (O&M)

Date of Decision: 01.07.2021

Swati and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pardeep Shimar, Advocate, for the petitioners
Mr. Munish Sharma, AAG, Haryana.

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 25.06.2021.

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, 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.

It is specifically noticed by this court that petitioner no.2, even as per the petition, is below the legally marriageable age for males, as per the Hindu Marriage Act, 1955, as also the Prohibition of Child Marriage Act, 2006, and if petitioner no.1 is also found to be actually below the age of 18 years (if the copy of certificate annexed as Annexure P-1 is found to be not a true copy thereof), this order shall not be construed to be a bar on any proceedings initiated under the provisions of the Act of 2006, the 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.

01.07.2021

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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No