IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120) CRWP no.6166 of 2021 (O&M)
Date of Decision: 06.07.2021

Harpreet Singh and another …Petitioners

Versus

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Deepak Arora, Advocate, for the petitioners.
Mr. Ramdeep Partap Singh, DAG, Punjab.

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Amol Rattan Singh, J. (Oral)

Case heard by way of video conference.

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 04.07.2021.

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

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are not put to any harm or threat at the hands of the aforesaid respondents, or at their behest.

Other than a copy of the Aadhar Card of petitioner no.2, what is stated to be a true copy of her Matriculation Examination Certificate, showing her date of birth to be 03.07.2003, thereby making her just 18 years on the date of her marriage (with no comment being made by this court on the validity of said marriage), has been annexed with the petition as Annexure P-3.

As regards the age of petitioner no.1, there is no firm proof of his age has been produced other than a copy of his Aadhar Card, which is actually not a firm proof of age.

It is made clear that if, upon verification of the Matriculation Examination Certificate of petitioner no.2, she is found to be below the marriageable age for females 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 offence 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.

06.07.2021 **(AMOL RATTAN SINGH)**
vcgarg **JUDGE**

Whether speaking/reasoned :Yes
Whether Reportable : No

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