

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115)

CRWP no.6215 of 2021 (O&M)

Date of Decision: 07.07.2021

Deeksha and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

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 to 7, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 01.07.2021.

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.

As regards the age of petitioner no.2, a copy of his driving
licence issued by the Licensing Authority, Batala, has been annexed as
Annexure P-2, showing his date of birth to be 17.05.1992.

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

Hence, though petitioner no.1 is shown to be 19 years of age in
the petition, it is made clear that if, upon verification of her actual age, 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
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.

07.07.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No