

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121)

CRWP no. 6624 of 2021

Date of Decision: 16.07.2021

Suman Nayak and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ajay Arora, Advocate, for the petitioners.

Mr. Saurav Khurana, 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 respondent no.4, upon the petitioners having married each other (as contended) against the wishes of the said respondent, on 14.07.2021.

On a specific query put to learned counsel for the petitioners, it has been stated that neither of 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 enshrined in 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 respondent, or at his behest.

Other than copies of the Aadhar Cards of the petitioners, what are stated to be true copies of their Senior Secondary Examination Certificates, showing the date of birth of petitioner no.1 to be 15.09.1999 and that of petitioner no.2 to be 13.01.1998, thereby making them above the legally marriageable age, (with no comment being made by this court on the validity of said marriage), have been annexed with the petition as Annexure P-1 and P-2 respectively.

It is made clear that if, upon verification of the Senior Secondary Examination Certificates of the petitioners, petitioner no.1 especially, 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, 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.

16.07.2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned :Yes
Whether Reportable : No