

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111)

CRWP no.6909 of 2021 (O&M)

Date of Decision: 27.07.2021

Sanjay Khan and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sanjeev Kumar Bawa, Advocate, for the petitioners.
Mr. Sidakmeet Singh Sandhu, AAG, 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.5 and 6, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 19.07.2021.

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.

As regards the age of the petitioners, learned counsel points to a copy of a passport annexed as Annexure P-1 with the petition, showing petitioner no.1 to be 34 years old, his date of birth being 19.04.1987; and as regards petitioner no.2, what is stated to be a copy of her birth certificate, showing her date of birth to be 07.10.1990, has been annexed as Annexure P-3, thereby making her 31 years old.

However, if upon verification, the age of any of the petitioners, specifically petitioner no.2, is found to be below the 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.

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 respondents, or at their behest.

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.

27.07.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No