

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

113)

CRWP no. 7313 of 2021
Date of Decision: 05.08.2021

Preety and another

....Petitioners

Versus

State of Punjab and others
Respondents

....

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Deepak K. Bartia, Advocate, for the petitioners.

Mr. Ramdeep Pratap 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 and 5, upon the petitioners having married each other (as contended) against the wishes of the said respondent, on 25.07.2021.

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.

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 is stated to be true copy of the Matriculation Examination Result issued by the Board of School Education, Punjab, showing the date of birth of petitioner no.1 to be 15.07.2003, a copy of the PAN card of petitioner no.2, showing his date of birth to be 31.03.2000, (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-4 respectively.

Yet, it is made absolutely clear that if, upon verification, the age of either of the petitioners is found to be less than the legally marriageable age prescribed 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 the provisions of 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 also 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.

August 05, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No
Whether reportable: Yes/No