

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

CRWP-7627-2021
Date of Decision:13.08.2021

Gagandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: - Mr.Arun Sharma, Advocate, for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by way of video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 6, upon them having married each other (as contended) against the wishes of the said respondents, on 10.08.2021.

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 & 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.

As regards the age of petitioner No.1, other than her Aadhar Card, what is stated to be a copy of her matriculation examination certificate, has been annexed with the petition as Annexure P-3, showing her date of birth to be 02.07.2003, thereby making her just above 18 years of age on the date that the marriage as is stated to have taken place (as contended), i.e. 10.08.2021.

However, there is no firm proof of age as regards the age of petitioner no.2, other than his Aadhar Card, which is actually not a firm proof of age, as no documentary proof is usually asked for at the time of applying for an Aadhar card or the issuance thereof.

Hence, if upon verification, the age of any of the petitioners, especially petitioner no.1, 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.

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.

(AMOL RATTAN SINGH)
JUDGE

13.08.2021
Vivek

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