

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

112

**CRWP No.7704 of 2021
Date of Decision: 16.08.2021**

Sanhlata and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Gupta, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 6, upon the petitioners 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. She states that she 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 respondents, or at their behest.

There is no firm proof of age of either of the petitioners other than their Aadhar Cards, which is actually no proof as no documentary proof is usually asked for at the time of applying for the Aadhar card or the issuance thereof.

However, even as per the petition itself, petitioner no.2 is admittedly below the legally marriageable age for males, both, in terms of the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006.

Consequently, no comment whatsoever is made on the validity of the marriage in any case, either on the ground of the age of the petitioners or any other ground; and further, it is made clear that this order will not bar proceedings legally initiated under the provisions of the Prohibition of Child Marriage Act, 2006 though of course with petitioner no.1 stated to be above the legally marriageable age for females even as per the Act of 2006, whether or not any proceedings should be initiated at all shall be seen in the light of the judgment of the Supreme Court in Hardev Singh v. Harpreet Kaur 2020 (1) RCR (Criminal) 238.

Further, it is made clear that if any of the averments made in the petition is found to be incorrect, and 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.

August 16, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)**JUDGE**

Yes
Yes