

CRWP-7791-2021

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

CRWP-7791-2021

Date of Decision: 23.08.2021

Renu and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tarun Sharma, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through Video Conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 10.

Learned counsel for the petitioners submits that petitioner No.1 is major, but petitioner No.2-Rajbir Singh, though major, has not attained the marriageable age and they have solemnized marriage against the wishes of respondents No.4 to 10. They have sought protection to their life and liberty. They have placed on record the certificate, evidencing their marriage, as Annexure P-3. The learned counsel further contends that petitioner No.2 is aged about 18½ years and the provisions of Section 9 of the Prohibition of Child Marriage Act, 2006 (for short, 'the Act') does not

apply to the facts and circumstances of the present case. He further

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contends that a male adult between the age of eighteen and twenty-one years of age, who marries a female adult, cannot be brought under the ambit of Section 9 of the Act, as this is not the mischief that the provision seeks to remedy. In support of his contentions, the learned counsel relies upon the decision dated 07.11.2019 passed by Hon'ble the Supreme Court in Criminal Appeal No.1331-2013, titled as 'Hardev Singh Vs. Harpreet Kaur & Ors.'.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that the private respondents would catch them and carry out their threats and might go to the extent of even eliminating them. The petitioners are, therefore, running from pillar to post for protection of their life and liberty. The petitioners have submitted a representation dated 14.08.2021 (Annexure P-4) to respondent No.2-Senior Superintendent of Police, Ferozepur, for redressal of their grievance, but no action has been taken thereupon.

In support of his contentions, learned counsel for the petitioners also relies upon the judgment passed by a Coordinate Bench of this Court in CWP-17069-2019, titled as Kawaljeet Kaur and Another Vs. State of Punjab and others.

Notice of motion to respondents No.1 to 3-State only, at this stage.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 to 3.

A complete set of paper-book be supplied to the learned State

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counsel during the course of the day, itself.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere fact that petitioner No.2 is not of a marriageable age, would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, the present petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Ferozepur, to decide the representation dated 14.08.2021 (Annexure P-4), moved by the petitioners, in accordance with law and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law if any committed by them.

23.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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