

**CRWP No. 8496-2021**

**Date of Decision: 08.09.2021**

**Baljinder Kaur and another**

**.....Petitioners**

**Vs.**

**State of Punjab and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Arshdeep Singh Brar, Advocate,  
for the petitioners.

**\*\*\*\*\***

**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 2 and 3, upon them having married each other (as contended) against the wishes of the said respondents, on 04.09.2021.

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 petitioner No. 1, a copy of her Matriculation Examination Certificate, issued by the Punjab School Education Board, has been annexed with the petition, showing her date of birth as 19.08.1998, thus making her 23 years of age.

However, as regards the age of petitioner no. 2, there is no firm proof of age other than his Aadhar Card, which is actually no 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.

However, 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, respondents no. 2 and 3 are directed to ensure that the lives and liberty of the petitioners are duly protected and not put to any harm or threat at the hands of the aforesaid respondents, or at their behest.

If, upon verification, the age of any of the petitioners 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.

At this stage, it is to be noticed that though notice of motion has not been issued in this petition, Mr. Naveen Kumar, Advocate, appears for respondent no. 4, i.e. the mother of petitioner no. 1, and submits that she would like to meet her daughter.

Upon a query put to learned counsel for the petitioners, he very fairly submits that the petitioners would meet with respondent no. 4 in the Mediation and Conciliation Centre at Patiala on 13.09.2021.

However, it is made clear that at the time of such meeting, respondents no. 5 to 8, i.e. brothers of the said petitioner shall not go to the District Court Patiala and the SHO of Police Station Mavi Kalan, District Patiala, shall ensure that the petitioners are duly allowed to reach the Mediation and Conciliation Centre and are returned to their home in Village Maraauri, Tehsil Samana, District Patiala.

It is also made clear that this order has been passed by this court wholly on the statement very fairly made by learned counsel for the petitioners.

With the aforesaid directions, this petition is disposed of.

**September 08, 2021**  
nitin

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No.