

In the High Court of Punjab and Haryana at Chandigarh

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CRWP-9601-2021 (O & M)

Date of Decision: October 14, 2021

SAMIM AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Talim Hussain, Advocate for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Mazlish Khan, Advocate for respondents No.4 to 6.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioners are seeking protection of their life and liberty.

Learned counsel for the petitioners contends that petitioner No.2 is a 16 ½ years old and having attained puberty would be eligible to get married in terms of Mohammedan law. He has relied upon the judgment of the Coordinate Bench of this Court in **Yunus Khan versus State of Haryana, (2014) 3 RCR (Criminal) 518**. He further contends that the petitioners have been threatened by the private respondents and apprehend that they may be physically harmed. He has drawn my attention to the representation sent to respondent No. 2 i.e. Superintendent of Police, Nuh, dated 02.10.2021 (Annexure P-4).

Issue notice to the respondents.

At the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of respondents No.1 to 3-State.

Mr. Mazlish Khan, Advocate has put in appearance on behalf of respondents No.4 to 6 and states that the girl is less than 18 years of age and, therefore, she should be sent to Nari Niketan. In support of his submission, he

has relied upon the judgments of Coordinate Benches of this Court in the case of Gagandeep Singh and another vs. State of Punjab and others passed in CRWP-7056-2020 and Jasbeer Kaur and another vs. State of Punjab and others passed in CRWP-6576-2021.

Heard.

The petitioners are seeking protection to their life and liberty. In the case of Yunus Khan (supra), the girl, who was a Muslim was less than 18 years of age but as she had attained puberty the Court had granted her protection. The judgments cited by learned counsel for respondents No.4 to 6 are distinguishable on facts from the instant case as these do not pertain to marriage under the Mohammedan Law as the parties therein were not Mohammedan. This petition is only for protecting the life and liberty of the petitioners which is a fundamental right under Article 21 of the Constitution of India. This Court would not like to comment on the validity of the marriage at this stage.

Without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to respondent No. 2-Superintendent of Police, Nuh to look into the matter and take appropriate action in accordance with law to ensure that no harm is caused to the life and liberty of the petitioners at the hands of the private respondents.

It is clarified that this order shall not be treated as a stamp of this Court about the marriage of the parties and no opinion with regard to the validity of the marriage has been expressed in this order. It would also not protect them from initiation of any criminal proceedings if otherwise justifiable under the law.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No