

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

105

CRWP no.10140 of 2020
Date of decision:17.2.2021

Sapna and another

... Petitioners

versus

State of Punjab and others

... Respondents

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

Present: Mr.Mohan Singh Rana, Advocate,
for the petitioners
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

On 7.12.2020, the following order had been passed by this
court:-

*“All cases listed today have been taken up for hearing
by way of video conferencing because of the situation existing
due to the Covid-19 pandemic.*

*By this petition, the petitioners seek protection of life
and liberty at the hands of respondents no. 4 and 5, who are
stated to be the father and uncle of petitioner no.1, upon them
having married each other (as contended) against the wishes
of the said respondents, on 28.11.2020.*

*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.*

Since petitioner no.2 is admittedly below the legally marriageable age for males, i.e. 21 years, in terms of the provisions of the Prohibition of Child Marriage Act, 2006, let the matter be listed for hearing on 16.12.2020.

To be heard alongwith CRWP-9924 of 2020.

In the meanwhile of course the life and liberty of the petitioners shall be duly protected as per law, at the hands of respondents no.4 and 5.”

Obviously though the life and liberty of the petitioners had been ordered to be protected, no notice of motion (inadvertently or otherwise) was ordered to be issued and consequently, none is appearing for the respondents.

However, first it is to be noticed that though petitioner no.2 is shown to be only 20 years old and therefore below the legally marriageable age for males in terms of both, the Hindu Marriage Act, 1955, and the Prohibition of Child Marriage Act, 2006, however petitioner no.1, i.e. the girl, is shown to be 19 years of age, though of course there is no firm proof of her age other than her Aadhar Card, which actually is no proof at all.

Hence, if her age is correctly shown in the petition, then as regards the Act of 2006, neither of the petitioners would be liable to be punished for the commission of any offence, in terms of the judgment of the Supreme Court in Hardev Singh vs. Harpreet Kaur and others (CRA no.1331 of 2013, decided on 7.11.2019).

Be that as it may, learned counsel for the petitioners submits that the petitioners no longer being under any threat from respondents no.4

and 5, he does not press this petition.

Dismissed as withdrawn.

17.2.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No