

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

137)

CRWP no. 11868 of 2021
Date of Decision: 17.12.2021

Mahima and another

.....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Kapil Khann, Advocate, for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

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 7, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 14.12.2021.

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.

There is no firm proof of age of either of the petitioners on record, other than the copies of their Aadhar Cards, with an Aadhar Card not being firm proof of age as no firm proof of age is usually asked for at the time of issuance of such cards.

However, since protection of life and liberty is a fundamental right of every citizen under 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.

Yet, it is made absolutely clear that if, upon verification, the age of either of the petitioners is found to be less than the legally marriageable age prescribed 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, the offences committed under the provisions of 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.

December 17, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable: No