

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

CRWP no.2288-2022

Date of Decision: 14.03.2022

Simardeep Kaur and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Digvijay Nagpal, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, 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 9, upon them having married each other (as contended) against the wishes of the said respondents, on 09.03.2022.

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.

Consequently, 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, 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.

There is no firm proof of age of either of the petitioners other than their Aadhar Cards, 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.

Hence, 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.

Since petitioner No.1 is shown to be only 18 years of age, with no firm proof at all of her actual age, it is made clear that upon approaching any Police or Government authority seeking protection of life and liberty, though protection of life shall obviously be granted under all circumstances; however, firm proof of her age in the form of a certificate other than the Aadhar Card, shall be asked for by the authorities, and if she is found to be below marriageable age in terms of the provisions of the Prohibition of Child Marriage Act, 2006, this order will not bar any proceedings under the provisions of that Act, as already observed hereinabove.

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 petitioner 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.

14.03.2022
mamta

(AMOL RATTAN SINGH)
JUDGE

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