

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

114)

CRWP no. 7817 of 2022

Date of Decision: 18.08.2022

Sarabjit Kaur and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Navraj Singh, Advocate, for the petitioners.

Mr. Saurav Girdhar, DAG, Haryana.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 8, upon them having married each other (as contended) against the wishes of the said respondents, on 12.08.2022.

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.

As regards proof of the age of petitioner no.1, a copy of the educational certificate issued by the Central Board of Secondary Education, i.e. the photocopy of her matriculation certificate, has been annexed as Annexure P-2, showing her to be of marriageable age.

Consequently, 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.

Since there is no firm proof of age of petitioner no.2 other than his Aadhar Card, which is actually not a firm proof of age, if either petitioner 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, the 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.

August 18, 2022

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**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable: No