

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

264-CRWP-11826-2022

Date of Decision: 09.01.2023

SAHIBA AND ANOTHER

... Petitioners

VS.

STATE OF PUNJAB AND OTHERS

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranjeet S. Jaswal, Advocate for
Ms. Sajida Akhtar, Advocate of the petitioners

Mr. Aman Dhir, DAG Punjab

Mr. Akamjit Singh, Advocate for
Mr. Ankush Bharti, Advocate for respondents No.4&5

Sandeep Moudgil, J. (Oral)

The instant writ petition has been moved invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking protection of life and liberty specifically at the hands of respondents No.4 & 11, as the petitioner No.1-Sahiba has married with petitioner No.2-Rahul Kagra, against their wishes.

Doubts arose with regard to the age of petitioner No.1 when Mr. Ankush Bharti, Advocate for respondents No.4 & 5 appeared and produced the School Leaving Certificate of petitioner No.1 showing her date of birth to be 10.02.2007, with further averments that the parents of petitioner No.1 were got married on 28.06.2002.

However, counsel for the petitioners has referred to the Aadhar Cards of the petitioners (Annexures P1 & P2) showing the date of birth of petitioner No.1 as 12.01.2002 with Aadhar Card No.7217-5804-8731.

According to the date of birth as recorded in Aadhar Card, the age of petitioner No.1 can be summed up at almost 20 years but if the School

Leaving Certificate and date of marriage of the parents of petitioner No.1, is taken into account, then the age of petitioner No.1 will come to less than 14 years. However, there is no authenticated proof with regard to the age of petitioner No.1 except the Aadhar Card – the best document before this Court to conclude that the age of petitioner No.1 is almost 20 years who has married out of her free-will with petitioner No.2.

Petitioner No.1 is present in Court who expressed her firm inclination and willingness to live only with petitioner No.2 with a further aspersion on her mother to be not a lady of good conduct who has been behind the bars under the NDPS Act, twice. Learned State counsel, on instructions from ASI Dilbag Singh, also corroborates the said oral averments made by petitioner No.1 – daughter of respondent No.4.

Looking into the totality of the facts and circumstances, the present petition is disposed of concluding the date of birth of the petitioner No.1 to be slightly less than 21 years but more than 20 years in view of the date of birth recorded as per her Aadhar Card, and which was actually got prepared by mother of petitioner No.1 and has been subsequently changed and connected to the mobile number of petitioner No.2, after both of them solemnized marriage.

In view of the above, respondent No.2 is directed to look into the representations dated 12.12.2022 (Annexure P5) and to pass an appropriate order ensuring that no harm is caused to the petitioners, in any manner, whatsoever.

09.01.2023

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No