
(2020) 08 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 6060 Of 2020 (O&M)

Mamta And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 18-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2020) 08 P&H CK 0036

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Advocate : Gaurav Kalsi

Judgement

Amol Rattan Singh, J

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 mother and brother of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 20.03.2020.

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.

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.

However, if it is found that either of the petitioners is not of marriageable age, this order would not be taken to be any protection against prosecution under the provisions of the Prohibition of Child Marriage Act, 2006.

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.