
(2017) 06 P&H CK 0037
In the Punjab And Haryana At Chandigarh
Case No : M-21958 of 2017

Poonam and another

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 14-06-2017

Acts Referred:

Constitution of India, Article 21 -
Amendment of the Schedule

Citation : (2017) 06 P&H CK 0037

Hon'ble Judges : Amol Rattan Singh

Bench : SINGLE BENCH

Advocate : Pankaj Bali

Judgement

1. The petitioners, who are present in the court, are seeking protection of their lives and liberty at the hands of respondents No.4 to 8, who are stated to be the parents, brother and other relatives of petitioner No.1, on account of the fact that they have married each other of their own free will, on 08.06.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

2. In support of proof of age, a copy of the Secondary Examination Certificate issued by the Board of School Education, Haryana, to petitioner No.1, (the original of which has not been produced in Court), has been annexed with the petition, showing her date of birth as 14.12.1999, thus making her 17 years and 6 months of age.

3. As regards petitioner No.2, a copy of the certificate

issued by the Head Teacher, Government Primary School, Village Chundipur, District Karnal, has been annexed with the petition, (the original of which has also not been produced in Court), showing his date of birth to be 12.07.1997, thus making him less than 20 years of age.

4. 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 submits that he has obtained specific instructions from the petitioners in that regard.

5. Since protection of life and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India, 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.

6. However, 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 any proceedings initiated as per law.

7. Both the petitioners, admittedly, being below the legally marriageable age for females and males respectively, under the provisions of the Prohibition of Child Marriage Act, 2006, (in short, the Act), respondent No.2, i.e. the Superintendent of Police, Karnal, in whose jurisdiction the petitioners are stated to be residing, is directed to refer the matter to the Child Marriage Prohibition Officer concerned, for initiating proceedings under the Act.