
(2022) 01 P&H CK 0053

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 605 Of 2022

Ramanjot Kaur And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 21-01-2022

Acts Referred:

Constitution Of India, 1950 — Article 21, 226

Citation : (2022) 01 P&H CK 0053

Hon'ble Judges : Vikas Bahl, J

Bench : Single Bench

Advocate : D.S.Nigha, Sukhbeer Singh

Final Decision : Disposed Of

Judgement

Vikas Bahl, J

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondents no.2 and 3 to protect the life and liberty of the petitioners.

Learned counsel for the petitioners has submitted that petitioner no.1 is 18 years of age and her date of birth is 21.12.2003 and petitioner no.2 was

born on 07.02.2002. Reliance has been placed upon the Aadhaar Cards (Annexures P-1 and P-2). It is, thus, apparent that petitioner no.2 is although

major but is not of marriageable age. It is further contended that the petitioners have performed marriage on 17.01.2022 and for the said purpose,

reference has been made to the Marriage Certificate (Annexure P- 3) and photographs (Annexure P-4). It is also submitted that the petitioners have

given a detailed representation dated 17.01.2022 (Annexure P-5) to respondent no.2 as they are apprehending harm to their life and liberty and have,

thus, sought protection.

Learned counsel for the petitioners has relied upon the judgment passed by the Coordinate Bench of this Court in case Jashanpreet Kaur and another

Vs. State of Punjab and others, reported as 2019(4) RCR (Civil) 183, in which case although, girl therein was aged about 15 years and 8 months and

boy was aged about 19 years and 3 months, yet the Coordinate Bench after considering the provisions of Hindu Marriage Act, 1955, was pleased to

protect the life and liberty of the petitioners therein.

The relevant portions of the said judgment is reproduced hereinbelow:-

¶ 1 to 5 xxx xxx

6. Facts, as pleaded in the petition, succinctly are that the petitioner No.1, a minor girl born on 04.10.2003 and petitioner No.2, a boy born on

10.03.2000, though a major, but not of marriageable age, purportedly are in love with each other and got married on 17.06.2019 at Panchkula

according to Hindu Rites and Ceremonies. Photographs of their marriage have been appended with the petition.

7 to 16. xxx xxx

17. The issue in hand, however, is not marriage of the petitioners, but the deprivation of fundamental right of seeking protection of life and liberty. I

have no hesitation to hold that Constitutional Fundamental Right under Article 21 of Constitution of India stands on a much higher pedestal. Being

sacrosanct under the Constitutional Scheme it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of

any marriage between the parties.

18. It is the bounden duty of the State as per the Constitutional obligations casted upon it to protect the life and liberty of every citizen. Right to human

life is to be treated on much higher pedestal, regardless of a citizen being minor or a major. The mere fact that the petitioners are not of marriageable

age would not deprive them of their fundamental right as envisaged in Constitution of India, being citizens of India.

19. In view of the discussion above, the Senior Superintendent of Police, Batala is directed to verify the contents of the petition particularly the threat

perception of the petitioners and thereafter provide necessary protection qua their life and liberty, if deemed fit.

