

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CRWP-9584-2021 (O&M)
Date of decision: 07.10.2021

Neha and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Suresh Kumar Arya, Advocate, for the petitioners.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner No.1-Neha, aged 19 years, and petitioner No.2-Vijay, aged 20 years, have approached this Court seeking issuance of directions to be issued to respondents No.2 and 3 so as to protect their lives and liberty at the hands of private respondents, as the petitioners have solemnized marriage against the wishes of their families, which is not acceptable to respondents No.4 to 6.
2. Notice of motion.
3. On asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
4. I have heard the learned counsel for the petitioners as well as learned State counsel.
5. This Court finds that while petitioner No.1-Neha is of marriagable age being 19 years, but petitioner No.2-Vijay, who is aged 20 years, cannot be said to be of marraigeable age being less than 21 years and

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being a male. However, their marriage is stated to have been solemnized on 02.10.2021 at 'Pracheen Shiv Mandir, Near Kaushaliya River Bridge, Pinjore, District Panchkula, Haryana'. Photographs of their marriage have been annexed as Annexure P-4.

6. Since learned counsel for the petitioners has submitted that respondents No.4 to 6 have been issuing threats to cause harm to them forcing the petitioners to run from one place to another and that despite a representation dated 03.10.2021 (Annexure P-5) having been sent to respondent No.2-The Senior Superintendent of Police, Gurdaspur in this regard, the needful has not been done, therefore, a direction is issued to respondent No.2-The Senior Superintendent of Police, Gurdaspur to get the representation dated 03.10.2021 (Annexure P-5) examined as regards the alleged threat perception of the petitioners. In case, it is found that there is genuine threat to lives and liberty of the petitioners, then necessary steps be taken so as to ensure that they are not harmed in any manner.
7. Since the Temple in question i.e. Pracheen Shiv Mandir, Near Kaushaliya River Bridge, Pinjore is stated to be situated in District Panchkula (Haryana), it is directed that the Commissioner of Police, Panchkula shall examine the matter particularly as regards the solemnization of marriage of the petitioners despite the fact that petitioner No.2-Vijay was not of marriageable age, which is in fact against the provisions of Prohibition of Child Marriage Act, 2006 and shall also examine the role of the priest, who has solemnized the marriage in question. In case, it is found that the marriage has been

performed in violation of any provisions, then necessary steps as may be warranted be taken thereupon.

8. A copy of this order alongwith copy of the representation dated 03.10.2021 (Annexure P-5) be sent to the Senior Superintendent of Police, Gurdaspur, for necessary compliance.
9. A copy of this order alongwith a copy of petition be also sent to the Commissioner of Police, Panchkula (Haryana) for examining the matter in light of direction issued in Para 7 above.
10. The petition stands disposed of accordingly.

07.10.2021

VY

(GURVINDER SINGH GILL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

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