

CRM No. M-8179 of 2016

1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM No. M-8179 of 2016  
Date of Decision : 04.09.2017

Sarup Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL***

Present: Ms. Naiya Gill, Advocate for the petitioner.

Ms. Seena Mand, Deputy Advocate General, Punjab.

Mr. Sanjeev K. Virk, Advocate  
for respondents No. 2 and 3.

\*\*\*

**Anupinder Singh Grewal, J.(Oral)**

This petition under Section 340 Cr.P.C. is for initiating action against respondents No. 2 and 3 for producing false and fabricated evidence before this Court in CRM No. M-31787 of 2015.

Learned counsel for the petitioner contends that respondents No. 2 and 3 had earlier approached this Court by preferring CRM No. M-31787 of 2015 seeking protection of their life and liberty. The petition was disposed of on 17.09.2015 by a Coordinate Bench of this Court with a direction to respondent No. 2 to look into the representation and grant protection, if there was any threat to the life and liberty of the petitioners therein. Learned counsel further contends that respondents No. 2 and 3 had falsely averred that they are over 18 years of age, while respondent No. 2 was only 16 years of age. The birth certificates, which they had produced before this Court, were forged and

fabricated and, therefore, respondents No. 2 and 3 be proceeded against under Section 340 of the Cr.P.C.

Heard.

It is manifest from the order of Coordinate Bench of this Court passed on 17.09.2015 that it had not commented on the legality of the marriage and did not evaluate the evidentiary value of the documents placed on file. The petition was disposed of with a direction to respondent No. 2 to consider the representation of the petitioners and grant protection, if any threat was perceived to their life and liberty. It was also recorded that the order shall not be taken to protect the petitioners from legal action for violation of any law. Therefore, only the life and liberty of the petitioners (respondents No. 2 and 3 herein) was to be protected and there is no expression of opinion on the validity of the marriage. Consequently, I do not find any justification to proceed against respondents No. 2 and 3 under Section 340 of the Cr.P.C. Even assuming that respondent No. 2 was less than 18 years of age in the year 2015 when the petition was disposed of, she would now be over 18 years of age as two years have elapsed since then.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)  
JUDGE

September 04, 2017  
*kanchan*

|                                   |               |
|-----------------------------------|---------------|
| <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| <i>Whether reportable?</i>        | <i>Yes/No</i> |