

CRWP No.557 of 2018 :1:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No.557 of 2018
DATE OF DECISION:18.09.2018

Satish Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Harpreet Kaur, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. G. S. Verma, Advocate
for respondent No.7.

DAYA CHAUDHARY, J.(ORAL)

The present petition has been filed by petitioner namely Satish Singh for issuance of a writ in the nature of habeas corpus for release of detainee from the illegal custody of respondents No.5 to 8.

Notice of motion in the case was issued on 11.07.2018. Vide order dated 26.07.2018, the Investigating Officer was directed to verify from the school authorities as to which document was presented by the parents at the time of admission in the school. The genuineness of the Aadhar card was also ordered to be verified/inquired. It was also directed that enquiry be conducted after recording statement of the petitioner as well as Richa Kumari (detenue) and Dharamveer Kumar and also the concerned authorities. Status report was directed to be filed within a period

of two weeks.

The case came up for hearing on 20.08.2018. Not only the certificate issued by Department of Education, State of Bihar has been placed on record. The copy of Aadhar card is already on record wherein only the year of birth has been mentioned as 2002 but there is no date and month. Moreover, Aadhar card cannot be a document to prove the date of birth. Investigating Officer of the case was directed to verify as to when date of birth has been changed in the Aadhar card and what is date and month in the school record.

In spite of issuing direction on two occasions the date of birth has still not been ascertained. Counsel for the petitioner is also not in a position to show from any document except copy of Ration card which has been handed over to Investigating Officer wherein age of detainee has been shown to be 15 years. Not only in the certificate issued by the Education Department, Bihar Government but from the Ration card also it is apparent that the detainee is less than 18 years of age. In school leaving certificate, the age of the girl has been mentioned as 20.11.2002 and her father's name has been mentioned as Santokh Singh (wrongly mentioned) whereas name of mother is Rekha Devi. The parents are the best persons to know the date of birth of the child. In two school leaving certificates different dates of birth have been mentioned i.e. 20.11.2002 & 20.10.2003. Accordingly, it is proved on record that the detainee is less than 18 years of age. The custody of girl, therefore is handed over to the parents who are present in the Court. ASI Balbir Singh who is also present in the Court is

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directed to ensure the protection of the alleged detenue-daughter of the petitioner till reaching to their house. It is also directed that action be taken against the accused person(s) who have allured the minor girl, in accordance with law, the petition stands disposed of.

A copy of this order be given to ASI Balbir Singh under the signatures of Bench Secretary of the Court.

18.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No