

COCN No.165 of 2018

Date of Decision: 21.1.2019

Irfan

.....Petitioner

Versus

Rajeev Dugal

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Tarun Singal, Advocate, for the petitioner.
 Mr. Ashish Yadav, Additional Advocate General, Haryana.
 Mr. Saleem Ahmed, Advocate, for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

In pursuance to the order dated 16.1.2019, the parties are present before this Court. The girl has been produced by Sh. Rajeev Duggal, Superintendent of Police, Nuh. The parents of the girl are also present before this Court, who stated that the girl is their 9th child. The birth years of their ten children are 1986, 1988, 1990, 1993, 1995, 1998, 2000, 2003, 2005 and 2007, respectively. The school leaving certificate of the girl in dispute has also been produced on record showing her date of birth as 12.8.2005. However, they are unable to show her birth certificate. As per this, the girl is stated to be just 13 years of old, which does not appear to be correct by her appearance. She appears quite matured and confident.

On the other hand, learned counsel for the petitioner has placed on record the copy of her Aadhar Card showing her date of birth as 1.1.2002. It is further stated that even her father in the FIR himself mentioned her date of birth as 1.1.2002. Thus, in view of the disputed question with respect to the date of birth, it would be appropriate if the date of birth of the girl is ascertained by way of ossification test. However, the court is dealing with the compliance of the order dated 13.12.2018, wherein, direction was issued to keep the girl in safe house, as per the discretion of

the Superintendent of Police, Nuh as per his wisdom and investigation in case he finds that that there was threat perception. Threat perception still exists as per the petitioner, therefore, this Court does not find any contempt is made out.

The Contempt petition is dismissed accordingly.

Rule issued against the respondent stands discharged.

However, the petitioner is at liberty to avail remedy as available to him in accordance with law in the light of the above observation. Meanwhile, the girl be taken back to the safe house.

21.1.2019
sharmila

(NIRMALJIT KAUR)
JUDGE

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