

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

**Criminal Writ Petition No. 995 of 2022 (O&M)
Date of Decision: 03.02.2022**

Manisha Rani and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amandeep Singh, Advocate for the petitioners.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab
for official respondent Nos. 1 to 3.

Mr. Jagjit Singh Chatrath, Advocate
for private respondent Nos. 4 to 6.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of a mandamus, hence directing respondent Nos. 2 & 3 to give protection to the life and liberty of the petitioners, and against any interference in the peaceful life of the petitioners being made at the behest of respondent Nos. 4 to 6.

2. The learned State Counsel, does not have any objection, to an order being made by this Court to respondents concerned, to look into and decide through a speaking order, representation Annexure P-5.

3. Consequently, this Court directs respondents concerned, to within three weeks hereafter, hence decide Annexure P-5, through a speaking order.

4. However, in case any complaint is made by the parents of petitioner No. 1 – Manisha Rani, against co-petitioner No. 2 / Harwinder Singh (husband), containing therein allegations *qua* the latter abducting their daughter. Therefore, the Investigating Officer concerned, shall collect credible evidence *qua* her date of birth, comprised in the date of birth certificate of co-petitioner No. 2, as maintained in the Office of Registrar (Birth & Deaths) concerned. In case the afore reveals, that the above is a minor, then he shall proceed to draw appropriate proceedings in accordance with law, but may not arrest co-petitioner No. 2, without issuing a seven days notice, upon him.

5. In case, no incriminatory evidence with respect to the minority at the relevant time of co-petitioner No. 1 is available, thereupon, the Investigating Officer concerned, may not draw any action against the errant concerned.

6. Petition is disposed of.

7. A copy of this order be given dasti on payment of usual charges.

February 03, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>