

In the High Court of Punjab and Haryana at Chandigarh

CRWP No. 2104 of 2022 (O&M)

Date of Decision: 09.3.2022

Vipin Kumar Pathak and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. A.S.Gulati, Advocate
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

CRM-W-258-2022

The application is allowed as prayed for.

CRWP-2104-2022

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus hence directing respondents No. 1 to 3 to give protection to the life and liberty of the petitioners, and also against any interference in the peaceful life of the petitioners being made at the behest of respondents No. 4 to 12.

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-4.

3. Consequently, this Court directs respondents concerned, to within three weeks hereafter, hence decide Annexure P-4, through a

speaking order.

4. However, the afore order is subject to the condition that, upon the investigating officer, discovering credible evidence, with respect to the age of the co-petitioner Anjali Mishra, and, in case from the birth certificate concerned, it is clear that she is below 18 years, thereupon, upon, a complaint being filed by the father of the afore, it is open for the investigating officer concerned, to draw an appropriate action, against the accused, in accordance with law. Nonetheless, he may not arrest him without issuing seven days notice upon him.

5. Petition is disposed of.

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

(SURESHWAR THAKUR)
JUDGE

March 09, 2022
Gurpreet

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