

2023:PHHC:061687

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

**CRWP-4192-2023
Date of Decision: 01.05.2023**

RAMNIWASH

...Petitioner

Vs.

STATE OF HARYANA AND ORS

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (Oral)

Learned counsel for the petitioner inter alia contends that daughter of the petitioner, namely Bharti is minor and is in custody of respondent Nos. 4 to 7 and FIR No. 142 dated 22.03.2023 under Section 346 IPC at Police Station Bhiwani City was registered by the Police but no action thereon has been taken. He submits that as per the birth certificate bearing registration No. 2981 dated 09.06.2005 issued by the Department of Health Services, Municipality Bhiwani, the date of birth of Bharti is 31.05.2005 and the police has wrongly relied upon the date of birth mentioned in her matriculation certificate. He further submits that representation Annex.P-3 dated 26.04.2023 was moved to respondent Nos. 2 & 3 but no action thereon been taken.

2. Notice of motion.

3. On the asking of the Court, Mr. Vishal Malik, DAG, Haryana who is present in Court accepts notice on behalf of the respondent/State.

4. During the course of submissions, learned counsel for the petitioner stated at Bar that at this stage he does not press for issuance of writ of habeas corpus or appointment of the Warrant Officer. He submits that the the purpose of the petition would be served if appropriate directions are given to respondent No.2 to consider and dispose of the representation Annexure P-3 by taking into consideration the birth certificate of petitioner's daughter, Bharti, issued by the Municipality Bhiwani after affording opportunity of being heard by respondent No.2 and the petitioner be afforded meeting with his daughter Bharti in the office of respondent No.2.

5. Learned State counsel submits that needful will be done by respondent No.2, expeditiously.

6. Considering the specific prayer of the petitioner aforesaid, the petition is disposed of with the direction to respondent No.2 to consider and decide the representation dated 26.04.2023 Annexure P-3 in the light of the birth certificate issued by the Municipality Bhiwani referred to above by giving the hearing to the petitioner and also affording the meeting of the petitioner and her daughter in the office of respondent No.2, within 03 days and thereafter dispose of the representation expeditiously in accordance with law and take appropriate action as so warranted under the provisions of law. The decision so taken be conveyed to the petitioner as well.

(SANJIV BERRY)
(JUDGE)

01.05.2023

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