

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

208

CRWP-9824-2022

Decided on : 19.01.2023

Sakunat and another

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manoj Pundir, Advocate for
Ms. Savita Rana, Advocate, for the petitioner(s).

Mr. Pawan K. Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Reply/status report dated 14/16.01.2023, by way of affidavit of Satish Kumar, HPS, DSP, Ferozepur Jhirka, District Nuh, on behalf of respondents No.1 to 3, is available on record. Relevant para Nos. 4 & 5 of aforesaid status report, says as under:-

“4. That it is also worthwhile to mention here that during the course of investigation, a performa prescribed for missing person for legal course of action in the matter was completed. The petitioners have appeared in the police station, Sadar Nuh on 27.10.2022 and petitioner no. 1 namely Sakunat was taken into possession through memo of recovery and the said memo was got attested from attesting witnesses. The statements of the witnesses were recorded w/s 161 Cr. P.C. After that the petitioner no. 1 was produced before the Ld. Illaqa Magistrate Nuh on 27.10.2022, who recorded her statement u/s 164 Cr.P.C. A copy of her statement u/s 164 Cr. P.C. is annexed as Annexure R-1 in which she has

categorically stated that she has solemnized marriage with petitioner no. 2 at her own volition and she wants to reside with her husband/petitioner no. 2. She was also produced before the Medical Officer for her medico legal examination. However, she declined for medico legal examination. Therefore, her UPT was also got conducted in CHC, Nuh and the concerned Medical Officer opined that she has five months pregnancy. A copy of the said report is annexed as Annexure R-2.

5. *That during the course of investigation, the date of birth record was also taken from Anganwari worker for the month of July 2002 and the date of birth of the petitioner no. 1 namely Sakunat was found recorded as 02.07.2002 in the record of Anganwari Worker. A copy of the extract of register of the Anganwari worker is annexed as Annexure R-3.”*

As per stand taken by the official respondents in their reply (reproduced herein-above), petitioner No.1 (aged 20 years) has performed marriage with petitioner No.2, and are thus both are claiming themselves to be of marriageable age. Although, as per office report, notices issued to respondents No.5 to 13 could not be issued for want of process fee, yet this Court finds that in view of the explanation given in the reply filed by respondents No.1 to 3, present petition can be disposed of today itself, without seeking presence of the private respondents.

Counsel for the petitioners submits that feeling apprehension to their lives and liberty from private respondents, already one representation dated 07.09.2022 (Annexure P-3) has been addressed to the Superintendent of Police, Nuh, District Mewat (respondent No.2).

In view thereof, respondent No.2 is directed to examine the representation dated 07.09.2022 (Annexure P-3), and to find out if there is any substance of truth regarding lives and liberty of the petitioners, then respondent No.2 would take appropriate steps in accordance with law to safeguard the lives and liberty of the petitioners.

Petition stands disposed of at this stage.

(SANJAY VASHISTH)
JUDGE

January 19, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No