



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRWP-2042-2024(O&M)
Date of decision: 25.07.2024

SOHANI AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rajat Verma, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Deepak Verma, Advocate
for respondents No.5 and 6.

HARPREET KAUR JEEWAN , J.

1. Prayer in the present petition under Article 226 of the Constitution of India is to protect the life, liberty and property of the petitioners and his family members at the hands of private respondents No.5 and 6 as the petitioners are apprehending danger to life. Further prayer has been made that direction be issued to official respondents to conduct free and fair investigation in respect of FIR No.228 dated 19.11.2022 under Sections 363, 366 IPC registered at Police Station Mahilpur, District Hoshiarpur (Annexure P-6) and to take appropriate action on the application submitted by the petitioners (Annexure P-5).
2. Learned counsel for the petitioners contends that the date of birth of



the petitioner No.1 is 01.01.2003 as per the birth certificate (Annexure P-1), which is alleged to have been issued by the Registrar (Birth and Death), Sadar hospital, Ludhiana and even as per the Aadhar card of petitioner No.1 (Annexure P-2). He further contends that both the petitioner No.1 and petitioner No.2 have solemnized marriage with the each other as per the certificate of registration of marriage (Annexure P-4).

3. Learned counsel for respondents No.5 and 6 has submitted reply on behalf of respondent No.5 in the Court today and the same is taken on record.

4. As per the order dated 24.05.2024 passed by this Court, learned counsel appearing on behalf of the respondents No.5 and 6 had raised contention that the documents i.e the birth certificate of the daughter of the respondent No.5 (Annexure P-1) and Aadhar card of the daughter of the respondent No.5 (Annexure P-2) are fake documents.

5. Learned State counsel has verified the said documents and submitted short affidavit of Parminder Singh, PPS, Deputy Superintendent of Police, Sub-Division-Garshankar, District Hoshiarpur on behalf of respondents No.1 to 3 in the Court today, which is taken on record. As per the said affidavit, necessary verification regarding authenticity of the said documents i.e the birth certificate of daughter of respondent No.5 (Annexure P-1) and Aadhar Card of the daughter of respondent No.5 (Annexure P-2) was carried out by the Investigating Officer. As per the report submitted by the office of Registrar (Birth and Death), Ludhiana vide letter No.236/LR dated 28.05.2024, no such birth certificate was issued on 19.11.2022 in the name of daughter of respondent No.5. The date of birth mentioned on the Aadhar Card of both the petitioners as well as on their marriage certificate is not actual date of birth of the petitioners.



6. The report of Parminder Singh, PPS, Deputy Superintendent of Police in the aforesaid short affidavit *prima facie* shows that the petitioners have submitted fabricated documents in this Court. As per the status report, State has verified the date of birth of the prosecutrix from the Principal of Government Senior Secondary School, District Hoshiarpur and as per the certificate issued by the said Principal (Annexure R-2), the date of birth of the victim is 14.06.2007. In such circumstances, petitioner No.1-XXX, who is daughter of respondent No.5, is a minor.

7. In view of the above facts and circumstances, the present petition is disposed of with a direction to respondent No.3-concerned SHO to ensure that the petitioner No.1, who is *prima facie* a minor be produced before the Area Magistrate for recording of her statement under Section 164 Cr.PC within 2 days from today. Thereafter, as per the facts and circumstances and after recording of statement of petitioner No.1, the Area Magistrate shall pass an appropriate order regarding the custody of petitioner No.1.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

25.07.2024
P.Bhatt

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