

Court No. - 10

Case :- HABEAS CORPUS WRIT PETITION No. - 379 of 2023

Petitioner :- Baby Avneet Kaur Thru. Her Maternal Grandmother (Nani) Paramjeet Kaur

Respondent :- State Of U.P. Thru. Secy. Home Civil Sectr. Lko. And Others

Counsel for Petitioner :- Vijay Kumar Asthana, Santi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

This Habeas Corpus Petition has been showing baby Avneet Kaur aged about 7 months as the detainee and praying for following reliefs :-

"(i) issue a writ, order or direction in the nature of Habeas Corpus directing the opposite parties for producing the detainee/petitioner before this Hon'ble court and after recording the statement of the detainee/petitioner she may set to go her free will and accord."

From the facts as pleaded in the writ petition, it is evident that the daughter of the deponent Paramjeet Kaur, W/o Harjinder Singh had lodged an F.I.R. on 04.03.2023 against three accused persons, namely, Gurjeet Singh, Manga Singh and Kulwant Kaur, as her daughter Ramanpreet Kaur was said to have been murdered for non satisfaction of the additional demand of dowry. Ramanpreet Kaur was married to Gurjeet Singh and they have small female child of around 7 months at the time of death of Ramanpreet Kaur. During the course of investigation in Case Crime No.0092/2023 filed under Section 498A, 304-B IPC and Section 3/4 of the D.P. Act, Police Station Bhira, District Kheri, the grand daughter of the deponent, i.e. the daughter of the deceased Ramanpreet Kaur remained with the main accused and his parents. All the three persons are in jail. Paternal grand-mother of the child has been in jail since 06.09.2023 and the child has remained with her. The deponent wants the custody of the child to be given to her, as she does not want her grand child to grow up in jail premises in unnatural conditions. Hence, this Habeas Corpus petition has been filed.

This Court having gone through the pleadings on record and having heard learned counsel for the petitioner at length, finds that this Habeas Corpus petition is not maintainable.

Learned A.G.A. has also produced instructions sent by the Jail Superintendent, District Jail, Kheri saying that Smt. Kulwant Kaur had come along with the child of around 05 months old. The child is now only 11 months old and is living in the guardianship of paternal grand-mother.

This Court is of the opinion that the deponent's remedy is to approach the competent court under the Guardians and Wards Act.

The Habeas Corpus petition is not maintainable. It is, accordingly, **dismissed**.

Order Date :- 30.11.2023

ML/-