



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

251

CRWP-8741-2025

Date of Decision: 10.07.2026

SUSHMA DEVI

.....Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Navdeep Singh, Advocate and
Ms. Gunjan Sachdeva, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. A.P.S. Tung, Advocate
for respondent Nos.7 and 8.

Mr. Sartaj Singh Thakur, Advocate (through V.C.) and
Mr. Sahil Koundal, Advocate
for respondent No.9.

SANJAY VASHISTH J. (Oral)

1. In compliance to the directions dated 20.05.2026, petitioner and respondent No.9 along with the minor child are present before this Court. Some deliberations were done with the parties in person inside the chamber of this Court, while Law Researchers, namely, Ms. Anmol Sharma and Ms. Surekha, deputed to this Court were also present through out the discussion. Despite the efforts to resolve the dispute for the well being of the nine-year old minor child, still petitioner was adamant against an amicable settlement and kept on insisting to get custody of the child. Thereafter, petitioner was granted an additional time of 10 minutes to re-



consider the suggestion given by this Court. However, when the matter was again taken up, petitioner appeared through her counsel and again expressed her complete denial to the Court's suggestion.

2. In the aforementioned circumstances and on examining the record thoroughly, this Court notices that the present habeas corpus petition is filed by petitioner (mother) only for seeking custody of the child aged nine years, by levelling allegations against respondent No.9 i.e her husband.

3. At this stage, in the present petition, it cannot be concluded that the current custody of the child with the biological father is illegal. Moreover, relationship of the parents with their child and their bonding is sacred.

If there is any merit in the allegations, a statutory remedy exists under the Guardians and Wards Act. It is always open for the concerned party to avail the remedy by filing an appropriate application/petition regarding child's custody before the notified Court/Forum.

4. Petition, is thus ***dismissed***.

5. However, it is observed that if any such petition for seeking custody of the child under the appropriate law is filed by the petitioner before the concerned Court, same be decided expeditiously, preferably within a period of eight months of its filing.

6. Pending misc. application(s), if any, also stand(s) disposed of.

10.07.2026

P. Seth

(SANJAY VASHISTH)

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No