

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

254

CRWP No.586 of 2015 (O&M)

Date of Decision: May 19, 2015.

Sachin Sharma

....Petitioner.

VERSUS

Krishna Yadav and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Adarsh Jain, Advocate for the petitioner.

Respondents No.2 and 3 in person with
Mr. Yash Dev Kaushik, Advocate.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for respondent No.4-State.

SNEH PRASHAR, J. (Oral)

Prayer in this petition filed under Article 226 of the
Constitution of India is for issuance of a writ of habeas corpus directing the
respondents to produce the detainee Baby Yakshita and Master Aarav.

Respondents No.2 and 3 have appeared in person with small
children, namely, Baby Yakshita said to be aged 6½ years and Master Aarav
aged 2 years.

Learned counsel for the petitioner submitted that the custody of
the child was with the petitioner and it was handed over to respondent No.2
by the police.

In any case, respondent No.2 is the mother of the children and respondent No.3 is father of respondent No.2. The children are in safe custody of their mother. The instant petition was for habeas corpus filed by father of the children which is not maintainable in the light of aforesaid facts. For taking custody of the children, the remedy available to him is only under the Guardians and Wards Act, 1890 and for that he is at liberty to approach the appropriate Court.

Accordingly, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

May 19, 2015.
jitender