

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. W.P. No. 1426 of 2015 (O/M)
Date of decision : 6.1.2016

Smt. Beant Kaur and another Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioners.

Mr. Ashish Sanghi, Deputy A.G. Punjab.

Mr. B.S. Sewara, Advocate, for respondents No. 4 and 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The present petition under Articles 226/227 of the Constitution of India has been filed for issuance of writ of habeas corpus for ordering the release of baby boy of the petitioners, namely, Master Dashamjot Singh, from illegal custody of respondents No. 4 and 5.

I have heard the learned counsel for the petitioners, learned State counsel, learned counsel for respondents No. 4 and 5 and have also carefully gone through the file.

It comes out that Master Dashamjot Singh was born on 31.5.2014. According to the petitioners, respondents No. 4 and 5

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are the biological parents of said minor boy. The said child was given in adoption to the petitioners on 12.6.2014 and adoption deed was registered on 20.8.2014 before the Sub Registrar, SAS Nagar, Mohali. It is stated that now respondents No. 4 and 5 have forcibly taken away the minor boy, which amounts to illegal custody.

On the other hand, the learned counsel for respondents No. 4 and 5 has stated that the adoption deed was procured under threat and force and that they are going to challenge the same. It is stated that the custody of biological parents cannot be called illegal. It is further claimed that respondents No. 4 and 5 are the natural parents and are entitled to the custody of the minor boy, who is now stated to be only 1½ years of age.

The facts and circumstances show that basically it is a custody dispute between the biological parents and the alleged adoptive parents. The biological parents are now going to challenge the adoption deed, set up by the petitioners. It is apparent that it is case of civil nature. There is no threat to the life and liberty of the minor child. It being so, the present petition is disposed of with liberty to the parties to raise dispute regarding the custody of minor boy before the appropriate civil court.

(KULDIP SINGH)
JUDGE

6.1.2016
sjks