

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.1587 of 2016

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Date of decision:13.12.2016

Palwinder Kaur

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of Habeas Corpus directing respondent No.3 to release the detenues, namely, Agampreet Kaur and Gunreet Kaur, who are the minor daughters of the petitioner and now they are in the illegal and wrongful custody of respondent No.4. It has been prayed that respondents No.1 to 3 may also be directed to ensure the release of the detenues from the illegal confinement of respondent No.4 forthwith, because now they are confined without their consent.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the minor daughters are in the custody of their father Gurpreet Singh-respondent No.4. Palwinder Kaur-

petitioner is the mother of these minor children and wife of respondent No.4-Gurpreet Singh.

Learned counsel for the petitioner argued that the petitioner went to Italy in June 2016 and these minor children were left with respondent No.4. She came back on 9.7.2016 and a matrimonial dispute arose and now the petitioner is residing with her parents. Learned counsel for the petitioner also admitted that a case has already been filed before the Guardian Judge, in which the proceedings are pending.

In view of the arguments of the learned counsel for the petitioner, in no way, it can be held that the minor daughters, aged about six years and four years, have been illegally detained by respondent No.4.

Therefore, this Habeas Corpus petition is not maintainable. Only proceedings before the Guardian Judge are maintainable, which are already pending as argued.

Therefore, finding no merit in this petition, the same is dismissed.

December 13, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No