

252.

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

CRWP-737-2016

Date of decision:05.08.2016

Amandeep Kaur

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Navkiran Singh, Advocate,
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Rishu Mahajan, Advocate,
for respondents No.4 to 6.

HARI PAL VERMA, J.(Oral)

Petitioner-Amandeep Kaur has filed the present petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of habeas corpus for production and release of detenue, namely, Niharika (minor) aged 3 years, who is daughter of petitioner, from the illegal custody/confinement of private respondents No.4 and 5.

Pursuant to the order dated 27.07.2016 passed by this Court, Assistant Commissioner of Police, Jalandhar is present in Court and has filed reply by way of affidavit on behalf of respondents No.1 to 3, which is taken on record.

Learned counsel for the petitioner contends that since respondent No.6 has come forward and has claimed to be the father of Niharika, who is in his custody, the relief claimed is confined qua him only.

Admittedly, the dispute between parties is regarding the custody of the minor child. Therefore, this Court finds that the right forum to establish their respective claims for custody of minor Niharika is Guardian Court. Accordingly, the parties are relegated to the Guardian Court with liberty to file their respective claims.

Accordingly, the petitioner is at liberty to file a petition under the Guardians Act to claim custody of her daughter Niharika. In case such like petition is filed within 15 days from today, the Guardian Court shall consider and decide the interim custody of the minor child preferably within 1 month from the date of filing of petition, in accordance with law.

With the aforesaid direction, the present petition stands disposed of.

(HARI PAL VERMA)
JUDGE

05.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.