

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.929 of 2016

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Date of decision:14.7.2016

Baljeet Singh and another

...Petitioners

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Gagandeep Grewal, Advocate for the petitioners.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the writ in the nature of Habeas Corpus for issuance of appropriate directions to respondents No.2 and 3 to get released immediately the detenu, namely, Prabhjot Singh aged about 13 years grandson of the petitioners from the illegal detention of respondents No.4 and 5 and to take legal action against them.

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

As argued the petitioners are the paternal grand-parents of the detenu, namely, Prabhjot Singh (minor). Prabhjot Singh is stated to be aged

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13 years. Father of Prabhjot Singh had already died. It is argued that the mother of the minor, namely, Ranjit Kaur is residing with Darshan Singh illegally. Jaspal Kaur is maternal grand-mother of the minor.

At the time of arguments, it is also argued that Darshan Singh respondent No.4 is residing in the foreign country and has come to India recently. Mother of the minor has not been made a party. Learned counsel for the petitioners at the time of arguments argued that they want to know the whereabouts of the minor and want to see him. It is also argued that notice be issued to the respondents so that they may provide the address of the mother of the minor.

A perusal of record shows that mother of the minor has not been made a party in the present case. During the course of arguments, it is nowhere argued that the minor has been detained illegally or earlier he was in the custody of the present petitioners or had been taken away forcibly.

Keeping in view the fact that the minor was residing with his mother, who is the natural guardian and mother has not been made a party in the present petition, therefore, in view of these facts, this petition is not maintainable and the same is dismissed. The petitioners are at liberty to approach the Guardian Judge for appropriate relief, if they have any grievance regarding the custody of the minor.

July 14, 2016.

(Inderjit Singh)
Judge

hsp