

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

CRWP No.910 of 2017

Date of decision: 17.08.2017

Sarita

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Rajni Maurya, Advocate
for Mr. Naveen Batra, Advocate for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

Mr. N.S. Dadwal, Advocate for respondent No.4.

ARVIND SINGH SANGWAN J. (Oral)

On 04.08.2017, the following order was passed by this

Court:-

The present criminal writ petition has been filed under Section 226/227 of the Constitution of India, praying for issuance of writ of Habeas Corpus, ordering the release of Hardik from the illegal custody of the respondent No.4.

Learned counsel for the petitioner submits that on account of a matrimonial dispute between the petitioner and her husband-respondent No.4, the petitioner is presently living separately in village Haryana, Tehsil and District Hoshiarpur and minor child, namely, Hardik is admitted in DAV School, Haryana, District Hoshiarpur.

The submissions of the petitioner are that on 10.07.2017, respondent No.4, that is the father of the child, along with other persons had forcibly taken away the child and in this regard, the petitioner has already given a complaint to SHO, Police Station Haryana as well as SSP, Haryana, District Hoshiarpur but no action has been

taken. Though it seems to be a dispute regarding custody of a minor child, which can be looked into by the competent Court, yet considering the fact that the child is studying in school, and of tender age of 5 years, it would be appropriate if the custody of the child is restored back to the petitioner-mother

Notice of motion for 09.08.2017.

Respondent Nos.2 and 3 are directed to ensure that respondent No.4 produce the child before this Court on the next date of hearing. The petitioner is also directed to be present in Court on the date fixed.”

Learned counsel for the petitioner submits that custody of the child has already been handed over to the petitioner – mother.

This fact is not disputed by learned State Counsel, on instructions from ASI Ajit Singh.

Learned counsel appearing for respondent No. 4 – Ramandeep Singh father of the child undertakes that he will not take the forcible custody of the child in future.

In view of the above, the present petition is disposed of with a liberty to respondent No.4 to resort to his legal remedy for securing the custody or visiting rights of the child, in accordance with law.

(ARVIND SINGH SANGWAN)
JUDGE

17.08.2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No