

CRWP-1064-2017(O&M)

Date of decision: 29.01.2018

Geeta Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajat Malhotra, Advocate for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab
assisted by Sodagar Ali, ASI.

Mr. Kewal Singh, Advocate
for respondents No.2 and 3.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of writ in the nature of Habeas Corpus directing the respondents No. 2 and 3 to produce and release the detainee Maninder Singh (aged 6 years) and Harmeet Singh (aged 8 years) minor sons of the petitioner.

It is submitted on behalf of the petitioner that the husband of the petitioner-Beant Singh died on 20.06.2017 and thereafter, she was turned out of her matrimonial home in July 2017 and both the minor children, were living in the custody of respondent No.2-Harnek Singh, the grandfather as well as respondent No.3-Kuldeep Kaur, the grand mother (who has died on 13.09.2017). Counsel for the petitioner submits that petitioner is financially in a position to take care of her minor children and provide them proper education. It is also submitted that she being the mother and natural guardian is entitled to the custody of the minor children whereas respondent No.2 is an old man and since the grand mother has also died, he is not in a position to take care of the minor children, who are of tender age.

Vide order dated 21.11.2017, the parties were directed to appear before the Mediation and Conciliation Centre of this Court, however, as per report of the Mediator, no amicable settlement could be arrived at between the parties.

On 15.01.2018, the SHO, Police Station Dehlon, Tehsil Samrala, District Ludhiana was directed to produce the minor children in this Court and today, they are present in Court.

Again, an effort was made by the Court for finding some amicable solutions considering the well being and upbringing of the minor children, however, the parties are *ad idem* that no amicable settlement could be arrived at.

In view of the same, the custody of the minor children, namely, Maninder Singh and Harmeet Singh is handed over to their mother- Geeta Rani (Petitioner herein), who is present in Court. HC Madan Lal, Police Station Machhiwara, Tehsil Samrala, District Ludhiana, who is present in Court, is directed to accompany the petitioner till she reaches her resident along with minor children.

However, it is made clear that the custody is handed over to the petitioner in the present habeas Corpus petition and it will be open for the parties to seek their proper remedy before the competent Court in accordance with law.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

29.01.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No