

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

CRWP No. 672 of 2018

Date of Decision:-03.12.2018

Ram Ratti

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Bhupender Singh Ghangas, Advocate
for the petitioner.

Mr. Parveen Kr. Aggarwal, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

On 21.11.2018, this Court has passed the following order :-

“The petitioner-Ram Ratti has filed this petition seeking custody of her grand daughter who is presently living at Children's Home/SSA/Fit Facility Shishu Garh, Kaithal.

The learned counsel for the petitioner contends that mother of the child namely Komal died of poisoning and in respect of that occurrence, a case punishable under Section 304-B/34 of Indian Penal Code, 1860 through FIR No.281 dated 08.05.2018 was registered against the father of the child namely Naveen and grandparents namely Randhir and the petitioner (Ram Ratti). All of them are in custody. None from the maternal side

of the child is ready to take custody and bring up the child.

Before adjudicating the issue raised in the petition, it would be appropriate to have the response of the Superintendent Jail, District Women Jail, Karnal where the petitioner is confined, who shall file an affidavit detailing the facilities available, particularly keeping in mind the proper care and welfare of the child.

Adjourned to **3.12.2018.**”

In response to this, reply by way of affidavit of Sher Singh, Superintendent of Prison, District Prison, Karnal has been filed by learned State counsel in Court today, wherein, it is mentioned that in the prison already four such minor children are living with inmates. There are total 77 female prisoners in the prison. Para 2 of the reply reads as under :-

“2. That, the petitioner is seeking custody of her grand daughter with her in this Prison. It is submitted that the children below the age of six years of the inmates of the jail are allowed to be live with their female guardians as per provisions laid down in Punjab Jail Manual Para No.832 and Para No.832-A. It is further submitted that presently there are seventy seven female prisoners confined in this Prison and along with them four children are also staying with their respective female guardians. It is further submitted that this is not a District Women Jail, but District Jail, Karnal, whererin separate Female Ward is also build for female prisoners. In Female Ward of this jail Creche, swings and playing facilities are available for children of inmates. All other required amenities will also be provided to the child after admission in this Prison. It is also submitted that there is

no separate staff is posted to care/look-after of her grand daughter. Therefore, the care/look-after of (child) grand daughter should be took by the petitioner herself in the Prison.”

The minor child of this tender age needs extra attention and care but those who can take the best care of the child are confined in jail. Considering the background of this case and the welfare of the child, who is 09 months old and living at Children's Home, deserves to be brought up by petitioner.

The petition is **allowed** and the custody of the child, who is presently living at Children's Home/SSA/Fit Facility Shishu Garh, Kaithal, is given to the grand-mother (petitioner).

December 03, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No