

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

CRWP No.779 of 2018

Date of Decision: 24.09.2018

Vikas

....Petitioner

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Mayur Karkra, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for appointment of Warrant Officer to search the detenu and produce him before this Court as the child has illegally been detained by private respondents No.3 to 5.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with respondent No.3 on 24.04.2012. Out of said wedlock, a child was born on 21.09.2014. It has been argued and mentioned in the petition that the petitioner has also filed a petition under Section 25 of the Guardian and Wards Act for the custody of minor child at Family Courts Rohini, Delhi, where, the matter is still pending for adjudication and sufficient time will be taken to conclude. Learned counsel also submits that respondent No.3-wife is not allowing the petitioner to meet the child and also not appearing in the Court.

Admittedly, the matter under Section 25 of the Guardian and Wards Act is pending at Family Courts Rohini, Delhi and a habeas corpus petition is not maintainable for effecting service upon respondent wife or for allowing the petitioner to meet the child.

No ground is made out to issue a writ in the nature of Habeas Corpus.

The petition is accordingly dismissed.

However, the petitioner is at liberty to avail the appropriate remedy.

24.09.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No