

CRWP-825 of 2018

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

CRWP-825 of 2018
Date of decision: 31.10.2018

Satnam Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sandeep Arora, Advocate, for the petitioner.
Mr. Davinder Bir Singh, DAG, Punjab.
Mr. G.S. Brar, Advocate, for respondents No.3 to 5.

RAMENDRA JAIN, J. (ORAL)

Memorandum of appearance on behalf of respondents No.3 to 5,
filed in Court today, is taken on record.

Through this petition under Articles 226/227 of the Constitution
of India prayer has been made for issuance of a writ in the nature of habeas
corpus for releasing detenu i.e. minor son of the petitioner, namely,
Karamvir Singh from the alleged illegal custody of respondents No.3 to 5.

Learned State counsel submits that alleged detenu, namely,
Karamvir Singh, minor son of the petitioner along with his maternal
grandfather approached the police post Kala Singhia and complained that
his father, who is petitioner, used to mercilessly beat him. Statement of
minor Karamvir and his maternal grandfather was recorded and on their
request, minor Karamvir Singh was sent to Guru Nanak Mission Netarheen
Birdh Ashram, Phagwara, for his welfare and protection from the petitioner.

Statement of minor Karamvir and his maternal grandfather is produced in

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Court, which is taken on record.

Learned counsel for the petitioner contends that respondents No.3 to 5 are no more related to the petitioner in view of divorce of their sister with the petitioner.

Learned counsel for respondents No.3 to 5, strongly refuting the above submissions of learned counsel for the petitioner, contends that respondents No.3 to 5 are real maternal uncles of minor Karamvir Singh and are very much interested in his welfare and proper upkeep. Petitioner has solemnised second marriage. Therefore, has now no love and affection towards minor Karamvir Singh, he being child from his divorced wife.

Since minor Karamvir Singh is not in illegal custody of respondents No.3 to 5 and considering the submissions of learned counsel for respondents No.3 to 5 that petitioner has no love and affection towards minor Karamvir Singh after solemnising second marriage, instant petition, being meritless, is dismissed.

October 31, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No