

CRWP No.850 of 2018

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

CRWP No.850 of 2018
Date of Decision: 01.12.2018

Anita Ekka

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Dhiraj Chawla, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 226 of the Constitution of India, prayer has been made for issuance of writ in the nature of Habeas Corpus for release of male child born on 10.08.2018, from the custody of respondent No.3.

Learned State counsel, filing reply, submits that instant petition has rendered infructuous in view of the fact that custody of the infant has been handed over to the petitioner.

Refuting the above submission of the learned State counsel, learned counsel for the petitioner submits that respondent No.3 may be directed to pay some compensation for illegally confining the child of the petitioner from 10.08.2018 till 30.11.2018.

Having given anxious consideration to the rival submissions of both the parties, prayer of the petitioner for grant of compensation to her is completely illegal and unjustified in view of the fact that one Surinder Kaur

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produced child of the petitioner before the Child Welfare Committee, S.A.S. Nagar on 19.09.2018, pursuant to complaint of the petitioner. In the fitness of things, Child Welfare Committee kept the child in its own custody, till DNA test of the petitioner to ascertain the maternity. Immediately after receipt of report of DNA test, custody of the child has been handed over to the petitioner. There is no illegality or *mala fide* on the part of the Government machinery in retaining the custody of the child, rather he was kept in custody on account of dispute raised by Surinder Kaur, who had produced the child before the Child Welfare Committee.

Dismissed.

December 01, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No