

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

Crl. Misc. M-62212-2018(O&M)

Date of Decision: December 21, 2018

Khusbu aged 18 months through Rashmi Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vijay Pal, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of Cr.P.C. for issuance of direction to respondent No.2 to release the petitioner (who is a minor aged 18 months) from District Jail, Women, Jind as now Rashmi Singh w/o Surinder Singh, resident of Vikas Nagar, Bhiwani Road, District Jind, who is related to the minor petitioner and is her elder aunty (Tayi) and grandfather of the petitioner are available at home, to take care of the petitioner.

The brief facts of the case are that one FIR No. 298 dated 02.06.2018 was registered under Sections 304-B and 34 of Indian Penal Code at Police Station City Jind. On the basis of the said FIR, the father of the minor petitioner namely Kuldeep Singh and his parentes i.e. the grandfather and the grandmother of the petitioner herein were taken into

custody. Since there was no one to look after the minor at home, the grand mother of the petitioner namely Darshana w/o Mahabir Singh moved an application before the learned Sessions Judge seeking permission to take the minor grand daughter along with her in jail. This application was allowed vide order dated 07.07.2018. Subsequently, the grand father of the the minor namely Mahabir Singh was allowed regular bail by the Addl. Sessions Judge, Jind vide order dated 30.10.2018. It is thereafter that an application has been moved by the aunt (Tayi) of the minor child seeking her custody on the ground that the atmosphere in Jail is not conducive to the well-being of the minor girl.

Learned counsel for the petitioner contends that the welfare of the minor girl would be well served in case an interim custody is allowed to her so that she can look after the minor girl along with the grand-father, who has been granted regular bail now.

It is also contended that the petitioner though investigated has been found innocent in the said proceedings.

Learned counsel for the respondent-State submits that the interim custody should only be handed over till such time as there is a blood relative namely the father or the grand mother of the minor is released from jail.

I have heard learned counsel for the parties and keeping in view the welfare of the minor girl who is presently in jail with her grandmother, let the custody of the minor girl-Khusbu be handed over to the petitioner-applicant herein. On acquittal/release from jail, the custody would be handed over to her natural guardian namely the father. The custody of the

minor child would remain with Rashmi Singh as long as till she resides in India and will not take the minor child abroad.

While disposing of this petition, the Child Welfare Committee, Jind is directed to make their weekly checks to see the welfare of the minor child.

Petition stands disposed of.

A copy of this order be given to the learned counsel for the petitioner under the signatures of Bench Secretary of this Court and be faxed to the In-charge-Child Welfare Committee, Jind as well as to the jail authorities concerned.

December 21, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No