

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

**CRWP No.17 of 2019 (O&M)  
Date of Decision: January 08, 2019**

Simranpreet Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Ramandeep, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

The petitioner has filed this criminal writ petition against respondents State of Punjab, SSP, Patiala, DSP, Patran, SHO, Patran and Gagandeep Kaur under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for directing official respondents to trace out and produce the minor son of petitioner, who is in illegal custody of respondent No.5 and to hand-over custody of the minor child to the petitioner.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner admitted that there is matrimonial dispute between petitioner Simranpreet Kaur and her husband Subeg Singh. Respondent No.5-Gaganpreet Kaur is

sister of Subeg Singh. It is argued by learned counsel for the petitioner that

Simranpreet Kaur is residing on the first floor separately in the matrimonial house. The age of the child is stated to be 4 years. It is stated that on 22.09.2018, the child was given to respondent No.5 by husband of the petitioner for admitting him in a boarding school. There is no case of the petitioner that child was in her exclusive custody at that time or he was snatched forcibly or taken away illegally from her.

There is no allegation that child was snatched from the petitioner or taken away forcibly. The perusal of the petition also shows that father of the detainee, has not been made party in the present case, rather, sister of husband of the petitioner has been made party and the child is stated to be in the custody of respondent No.5.

There is matrimonial dispute between the petitioner and her husband and his family. If the petitioner wants custody of the minor child, for that purpose, remedy lies before the Guardian Judge by filing petition, who will determine the dispute regarding custody of the minor keeping in view the paramount consideration and welfare of the child, as per law.

Therefore, this petition for issuing a writ in the nature of habeas corpus is not maintainable. Rather, petitioner is to avail remedy before the Guardian Judge for taking custody of minor child.

Therefore, finding no merit in the present petition, the same is dismissed.

**January 08, 2019**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**