

CRWP-44-2019

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

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Date of Decision:15.01.2019

Sonia

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ramesh Kumar Dhiman, Advocate,
for the petitioner.

INDERJIT SINGH, J. (Oral)

Petitioner-Sonia has filed this petition under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. for issuance of direction to the official respondents to produce detainee-Aarzu, who is her minor daughter, before this Court from the custody of respondents No.4 and 5 and to hand over the custody of detainee to her.

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

Learned counsel for the petitioner submits that the detainee is minor and residing with her maternal grand-mother for the last two-three years.

Since the detainee is residing with her maternal grand-mother and father of the detainee is stated to be in the Army, therefore, at the most,

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it is a dispute regarding custody of the child. Therefore, the petitioner is to approach the Guardian Judge for the custody of minor child. The petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus is not maintainable. There is no allegation that the child has been recently snatched or taken away forcibly, rather she is residing for the last two-three years with respondent No.4, as argued.

Keeping in view above facts, this petition is disposed of with liberty to the petitioner to approach Guardian Judge for the custody of minor child.

15.01.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No