

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

CRWP No.252 of 2019

Date of Decision: March 13, 2019

Ramandeep Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Manmohan Kaur, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Punjab and other respondents under Article 226 of the Constitution of India for issuance of a writ of Habeas Corpus for the release of detenue namely Kulreet Singh son of petitioner and respondent No.4, from the illegal custody of private respondents No.4 to 6.

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

From the record, I find that minor Kulreet Singh is stated to be aged about 10 years and he is in custody of his father-respondent No.4 since 2013. In no way, the custody of the minor child, who is residing with his father for the last more than five years, can be held as illegal as father is also natural guardian of the minor. Learned counsel for the petitioner argued

that earlier petitioner was visiting the minor but now, that right has been

declined and she wants her right to visit the minor.

Keeping in view the facts and circumstances of the present case, I find that this petition is not maintainable. The appropriate remedy with the petitioner is to approach the Guardian Judge regarding custody of the child or regarding visiting rights, who will decide the same as per law.

As there is no allegation that minor child was snatched away recently or taken away by the private respondents illegally, therefore, present petition is not maintainable and the same is dismissed accordingly.

March 13, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No