

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-371-2019

Date of Decision: 17.08.2019

Rama Bhola

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

Mr. Siddharth Gupta, Advocate
for respondent Nos.5 to 8.

...

Inderjit Singh, J. (Oral)

This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for appointment of a Warrant Officer to raid the premises of official respondents and to recover detenu Sahib Bhola, aged about 7 years (minor son of the petitioner) from the illegal confinement of private respondents.

Notice of motion was issued.

Learned State counsel and counsel for respondent Nos.5 to 8 have appeared and contested this petition.

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

At the time of arguments, it is admitted by learned counsel for the petitioner that age of detenu Sahib Bhola is about 7 years and the minor child is with the father and his family since January, 2018. This petition has been filed in April, 2019. Father of the minor has not been made party in

this petition, rather grand father and grand mother have been made party in this case. Admittedly, a matrimonial dispute is going on and even the FIR was got registered under Section 498-A IPC by the petitioner. The father of the minor remained in custody, but now, he is on bail and the minor is with him. It is also admitted case that the child was not taken away forcibly or snatched away recently.

Keeping in view the facts and circumstances of the present case, the custody of the minor with the father in no way can be held as illegal custody. The petitioner has the remedy to approach the Guardian Judge as per law, if so advised.

Disposed of.

17.08.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No