

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

CRM-M-23657-2019

Date of decision: November 15, 2019

Raj Kumar

....Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Harneet Singh Oberoi, Advocate
for respondent No.3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the present petition is for issuance of directions to respondents No.1 and 2 to protect the life and liberty of the minor son of the petitioner, namely, Dheeraj, aged about eight years

Counsel for the petitioner submits that Dheeraj, minor son, is presently in the custody of respondent No.3 Parminder @ Bawa, wife of the petitioner and she is residing with respondent No.4 without obtaining divorce from the petitioner. Counsel for the petitioner further submits that the petitioner apprehends that respondents No.3 and 4 may take the minor child abroad.

Learned State counsel, on instructions from ASI Prem Pal has submitted that the police has not received any complaint in this regard.

Counsel appearing for respondent No.3 submits that primarily it is a dispute between husband and wife regarding the custody of the child and the petitioner has already filed a petition under Section 9 of the Hindu Marriage Act, 1955 for seeking a decree on restoration of conjugal rights and the petitioner has an alternative efficacious remedy to approach the competent Court having the jurisdiction under the Hindu Minority and Guardianship Act, 1956 for seeing custody of the minor child, if so advised. Counsel for the petitioner further submits that since the child is aged about eight years and is in the custody of his mother, in no way it can be termed as an illegal custody,

In view of the same, no further action is called for.

However, liberty is granted to the petitioner to approach the competent Court of law for redressal of his grievances, if any.

November 15, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No