

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

**CRWP No.783 of 2019 (O&M)
Date of Decision : 05.09.2019**

Rozy Rani

....Petitioner

Versus

State of Punjab and others

...Respondent

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.Ravi Chadda, Advocate for the petitioner

ANIL KSHETARPAL, J.(ORAL)

Present petition has been filed by the petitioner claiming to be mother of detenue who is a small child. It is undisputed that petition for custody is pending before the Guardian Judge.

Learned counsel for the petitioner contends that since respondent No.4 namely the father of the child has filed a reply by making a statement that child is in custody of respondent No.5 and 6 i.e uncle and aunt of the child, therefore, the custody of the child is illegal and hence, she can file habeas corpus petition in this Court for getting custody.

This Court has considered the submission. In the considered view of this Court, it would be more appropriate for the petitioner to amend the custody petition which is pending before the Guardian Judge and seek relief.

Disposed of.

**(ANIL KSHETARPAL)
JUDGE**

05.09.2019

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No