

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

241

CRWP-826-2019

Date of decision: 09.12.2019

Neelam

.....Petitioners

Versus

State of Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Abhishek Chha, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Detenue Shailja in person

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for directing respondents No.1 to 3 to recover detenue namely Shailja minor daughter of the petitioner from the illegal custody of respondent No.4 and to produce her before this Court.

Detenue Shailja has appeared in the Court today and she has stated that her date of birth is 13.07.2002, she has not been illegally detained by anyone including respondent No. 4-Renu her maternal aunt and she is living with her maternal aunt Renu out of her own free will.

Statement of detenue Shailja has been separately recorded in this regard.

The petitioner during the course of hearing has submitted that she does not want to keep the detenue with her but the detenue may be sent to the custody of her previous husband, natural father of the

detenue.

Natural father of the detenue has not been impleaded as party to the present petition. As per Section 17(5) of the Guardian and Wards Act, 1890 preference of the child has to be considered. Welfare of the child is paramount consideration for determination of the question of her custody in proceedings under the Guardian and Wards Act, 1890 and also the Habeas Corpus petition.

Since, Shailja is not illegally detained by anyone, her age is more than 17 years and she wants to live with her maternal aunt out of her own free will, no further action is required to be taken in the present Habeas Corpus petition which is disposed of accordingly.

However, the petitioner may, if so desired, have recourse to the proceedings under the Guardian and Wards Act, 1890 for redressal of her grievances, if any.

09.12.2019
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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