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

CRWP-1776-2019

Date of decision-07.12.2019

Vikas Saini

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rohit Samhotra, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Vikas Saini-petitioner has filed this petition under article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus seeking custody of his minor daughter-Ruvanshi Saini who is presently in custody of her mother (respondent No.3).

It is not in dispute that the marriage between the petitioner and respondent No.3 was solemnized on 11.10.2016 and thereafter, certain differences arose between the husband and wife. Later on the dispute was sorted and thereafter, respondent No.3 conceived a child and left the matrimonial home for delivery at her parental house. The child was born on 01.10.2018 at the parental village of respondent No.3.

Respondent No.3 joined the company of the petitioner along with the child. It is the case of the petitioner that the wife-respondent No.3 left his company on 30.10.2019 on the pretext that marriage of her brother is fixed and she stayed there till 10.11.2019.

It is further pleaded that the petitioner was diagnosed with a stone in the kidney and was getting treatment and on 20.11.2019 when he returned home, found his wife and child missing. Learned counsel submits that respondent No.3 is residing with her parents and child is with her. It is argued that in the interest of the child, father deserves the custody. It is just and proper if the custody of the child is handed over to the petitioner who is natural guardian of the minor child and has preferential right.

After hearing learned counsel for the petitioner and considering the age of the child who is a year and two months old and is residing with mother, this Court does not find any reason to invoke extraordinary writ jurisdiction particularly when the alternative statutory remedy is available with the petitioner.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

07.12.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No