

Sr. No. 208

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

CRWP-4276 of 2020 (O&M)

Date of Decision: 01.07.2020

Maninder Singh

...Petitioner

Versus

State of Punjab & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Akhilesh Vyas, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG Punjab
(presence marked through Video Conferencing)

ARUN MONGA, J. (ORAL)

1. Copy of reply filed on behalf of State is taken on record.
2. Petitioner herein is brother of deceased Sahiba Kaur, who was unfortunately murdered. An FIR, bearing No. 124 dated 14.06.2020, was registered under Sections 302, 201, 149 IPC, Police Station Division No.2 District Pathankot and investigation in the same is going on. It is stated that per allegations in FIR, the prime suspects of murder are husband and his family members, owing to which they are absconding. Be that as it may, without commenting on the allegations contained in the FIR or merits thereof, this Court in present proceedings is concerned with welfare of minor children of deceased Sahiba Kaur, whose whereabouts, despite the best attempts of petitioner, could not be ascertained, resulting in filing of present petition seeking issuance of writ in the nature of habeas corpus for release and production of the minors Master Kunwar Partap Singh and Ms. Ibadat Kaur.

The petitioner feared that both the minor detenue were being kept in illegal custody by the accused named in the FIR.

3. After issuance of notice, Mr. M.S. Basra, Advocate has put in appearance on behalf of respondent No.5 and submits that fears of the petitioner are completely unfounded and as the children are in safe custody in the parental house and are under the care and attention of and being looked after by their paternal aunt (Chachi).

4. To allay the fears of petitioner, learned counsel for respondent No.5 submits that petitioner is free to meet the children by giving advance intimation to respondent No.5.

5. In the premise, it seems that no further proceedings are required in the present petition. Petition is disposed of with a direction to respondent No.5 to allow the petitioner to meet his nephew and niece, namely, Kunwar Partap Singh and Ibadat Kaur, on giving one day advance intimation. In order to facilitate the advance notice to respondent No.5, learned counsel appearing for her is directed to exchange email/ whatsapp number of respondent No.5 with petitioner/ his counsel.

6. The writ petition stands disposed of in above terms. However, it is made clear that this order shall by no means be construed as an observation of this Court on legitimacy of custody of children with their paternal aunt. The petitioner, being a maternal uncle (mama) if wishes to have custody of the children, shall be at liberty to avail appropriate remedy, in accordance with law.

(ARUN MONGA)
JUDGE

01.07.2020
Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No