

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

CRWP-6930-2020

Date of Decision: 12.11.2020

Baro

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amjad Khan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Surinder Sharma, Advocate, for respondent No.4.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking issuance of a writ in the nature of Habeas Corpus for releasing the detainee, namely, Raquiya from the illegal custody of respondent No.4.
2. Learned counsel for the petitioner has submitted that the detainee Raquiya was born from the loins of respondent No.4, who is the husband of the petitioner and that in fact respondent No.4 had forcibly taken away the minor child so as to get a DNA test conducted as he doubted that the petitioner was having some illicit relations with somebody else and that detainee was not actually her daughter.
3. Learned counsel representing respondent No.4 has submitted that in fact the minor child was handed over to respondent No.4 by the petitioner herself under an agreement amongst them and that

respondent No.4 does not dispute his paternity as far the detinue is concerned.

4. In view of the aforestated position where the custody of the minor is with her father, it cannot strictly be said that it is illegal custody. However, this Court can appreciate that in this tender age of minor, it is the mother who would perhaps, under normal circumstances, be the best person to raise the child.
5. The petition, as such, is dismissed with liberty to the petitioner to move an appropriate application before the court concerned seeking custody of the minor child.

(GURVINDER SINGH GILL)
JUDGE

12.11.2020
Vimal

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