IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1891-2021
Date of decision: 24.02.2021

Gulbag Singh Kang **...Petitioner**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. *(Oral)*

Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of Habeas Corpus to get alleged detenue Mehtab Singh Kang, minor child of petitioner and respondent No. 4, who was born on 10.04.2016, released from the illegal custody of respondent Nos. 4 to 6.

Learned counsel for the petitioner submits that on account of a mutual private divorce, the petitioner and respondent No. 4 are residing separately and the aforesaid minor child is in the custody of his mother/respondent No. 4.

After hearing learned counsel for the petitioner, I find that the custody of the said minor child with respondent No. 4, who is his biological mother, cannot be said to be illegal, for which a writ of Habeas Corpus is to be issued.

Since the petitioner has alternative remedy to file a petition under the Guardians and Wards Act before a competent Court of law seeking custody of the minor child, the present petition is disposed of granting such liberty to the petitioner.

24.02.2021 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

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

MOHAMMAD WASEEM ANSARI
2021.02.24 16:03
I attest to the accuracy and
authenticity of this document