

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Writ Petition No.2963 of 2021
Date of Decision: March 24, 2021

Baljit Kaur

...Petitioner

Versus

State of Punjab & others

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Articles 226/227 Constitution of India for issuance of a writ in the nature of habeas corpus for directing respondent Nos.4 to 6 to release the detenue, namely, Manraj Singh, aged four years, who has been illegally taken away from the petitioner.

During the course of hearing, it is not disputed that the petitioner was married to respondent No.4 on 09.12.2015 and a child was born on 14.03.2017. It is further conceded that the son is presently four years old, who is residing with his father since the separation of the parties.

After hearing the learned counsel for the petitioner, this court finds that the child is presently residing with his father (natural guardian) and, therefore, in the absence of any averment that the father is not taking care of the child or that the child is in illegal detention, this court does not

find any valid ground to entertain the present petition for issuance of a writ in the nature of habeas corpus, as the alternative remedy in law is available to the petitioner to seek custody of her child.

Petition is dismissed.

March 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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