

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

**CRWP-4736-2021
DECIDED ON: 12th JULY, 2021**

KULWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gursimran Singh Madaan, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This writ petition in the nature of Habeas Corpus was filed for the release of minor children of the petitioner namely Tanvir Singh and Jasmeet Kaur from the custody of respondents No.4 to 6. Respondent No.4 is the wife of the petitioner and respondents No.5 and 6 are the parents of respondent No.4.

As per the pleadings, the children were in the custody of maternal grand parents and not with their mother.

Notice of motion was issued.

Reply was filed on behalf of respondents No.1 to 3, copy of the same supplied to the counsel for the petitioner.

As per the pleadings in the reply, there is a matrimonial

dispute between the petitioner and respondent No.4. FIR No. 18, dated 2021.07.12 17:06

SHAM SUNDER
2021.07.12 17:06
I attest to the accuracy and
integrity of this document
High Court, Chandigarh

20th January, 2020 under Section 406 and 498-A IPC was registered at Police Station Women, Patiala against the petitioner and his parents. Later, on the basis of MLR of the wife of the petitioner, Section 325 IPC was added. It is further pleaded that the children are residing at Patiala since May, 2018 and are studying in Apolo Public School, Patiala. The wife of the petitioner is residing with her parents and trying to up-bring the children. Whereas, on the other hand the petitioner is not paying the maintenance.

In view of the pleadings, no case is made out for interference in the writ jurisdiction. There are disputed questions of fact. In the absence of evidence, it would not be possible for this Court to decide the custody matter.

The petition is dismissed.

However, petitioner would be at liberty to avail remedies in accordance with law.

(AVNEESH JHINGAN)
JUDGE

12th JULY , 2021
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>