

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

**Criminal Writ Petition No.5258 of 2021(O&M)
Date of Decision: November 26, 2021**

Anil D.Gulani

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Rajiv Bajaj, Advocate and
Mr.Alankar Narula, Advocate for the petitioner.

Mr.Vishal Malik, DAG, Haryana for respondent No.2.

Ms.Radhika Suri, Senior Advocate assisted by
Mr.Manpreet Singh Kanda, Advocate for
respondent No.3.

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HARINDER SINGH SIDHU, J.

Anil D. Gulani, (father) by filing this Habeas Corpus petition, has sought directions to the respondents to produce his minor daughter Zeria Gulani (now aged about three years) before this Court with further prayer to afford complete, regular, continuous, uninterrupted and unrestricted access to his minor daughter child.

The facts as pleaded in the petition are that the marriage of the petitioner and respondent No.3 – Simrit Ghai was solemnized on 03.06.2012. Zeria Gulani was born to them on 13.09.2018. Due to matrimonial discord, the couple is not residing together. Litigation is going on between them.

After marriage, the couple was residing in the property bearing

No.Unit No.G-280H/FF, Florence Residency, Sushant Lok-II, Gurugram, Haryana, which was owned by the parents of the petitioner being their self-acquired property. However, due to acts and omissions on part of respondent No.3, vide legal notice dated 23.05.2020, the parents of the petitioner asked the petitioner and respondent No.3 to vacate the house within 15 days. The petitioner requested respondent No.3 to move out of the said house, but she refused. The petitioner moved out of the premises and is now residing in a Paying Guest Accommodation. The daughter remained with respondent No.3.

It is the case of the petitioner that respondent No.3 has been refusing to allow the petitioner to meet his daughter despite numerous requests by him. Even her whereabouts have not been disclosed to the petitioner. She has been making excessive monetary demands. She is making false allegations against the petitioner.

During the course of hearing of this petition apart from their Counsel, the petitioner and respondent No.3 have also appeared.

Repeated efforts were made to get the petitioner and Respondent No.3 to mutually agree on some terms whereby the petitioner could meet the child. Vide order dated 05.07.2021, as an interim measure the petitioner was permitted to meet his daughter in the matrimonial home where respondent No.3 was residing with the child. The petitioner accompanied by his Counsel Sh. Rajiv Bajaj met the child on 13.07.2021 and 20.07.2021. The meetings took place in a cordial atmosphere.

Thereafter, no meeting could take place as respondent No.3 had to go to Dehradun to look after her ailing mother. She was not able to say

with certainty when she would return to Gurugram. Hence, no mutually agreeable arrangement for the petitioner to meet the daughter could be worked out.

Accordingly, this petition is disposed of with the direction that respondent No.3 would permit and facilitate the petitioner to talk to the minor daughter through phone/ video call at least four times a week i.e., on Tuesday, Thursday, Saturday and Sunday for one hour.

Respondent No.3 would communicate the number on which the child could be contacted to the petitioner or his counsel Sh. Rajiv Bajaj. The time when the petitioner would talk to the minor child can be mutually agreed between the petitioner and respondent No.3. This time should be decided keeping in view the comfort of the child. If the petitioner and respondent No.3 are unable to agree on the time, then the conversation would take place between 11.00 AM to 12.00 noon.

This arrangement would be an interim measure till the matter of the custody of the child is decided by the Guardian/ competent Court on a proper petition instituted by the petitioner.

November 26, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No