

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

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CRWP-5805-2021

Decided on : 24.06.2021

Priyanka Yadav

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Ankur Bali, Advocate for the petitioner.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petition has been filed for issuance of a habeas corpus for the release of the detainee Shannoy Yadav son of the petitioner who was born on 20.01.2018.

A perusal of the paper-book would go on to show that custody was handed over to respondent No.4, father of the child in the presence of the mother in the police station with mutual consent. Parties had been asked to appear in the Mediation Centre, Sector 43, Chandigarh also on 22.03.2019. A perusal of paragraph No.9 of the pleadings would go on to show that FIR bearing No.29 under Sections 323, 406, 498-A IPC was also registered by the petitioner.

The facts thus would go on to show that the child has been in custody of the father since last 2 years. The petitioner has an alternative and efficacious remedy of seeking the custody of the child by approaching the competent Court of jurisdiction and, therefore, it would not be appropriate to exercise the extra-ordinary power of habeas corpus in the present case, keeping in view the fact that the child has been in custody of the father for the last 2 years.

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In such circumstances, the present petition is dismissed in limine with liberty to the petitioner to approach the Guardian Court for the necessary relief.

June 24, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

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