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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-6324-2021

Date of Decision: 06.09.2021

Lakhwinder Singh and another

Petitioners

Versus

State of U.T., Chandigarh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Gupta, Advocate for the petitioners.

Mr. Abhinav Gupta, Additional P.P., U.T., Chandigarh.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This writ petition in the nature of *Habeas Corpus* is filed alleging that detinue (name not mentioned) i.e. daughter of the petitioners, aged 14 years is in illegal custody of her paternal aunt (respondent No. 5).

[3] Notice of motion was issued. There are factual allegations and counter allegations which are not being commented upon at this stage as it would affect the remedies to be pursued by the parties. The detinue is 14 years old girl and is with the respondent No. 5 for a long period. An attempt was made by this Court by giving opportunity to the parties to find out a workable solution for custody of child till the custody matter is decided. Though baby steps were taken but parties

were not able to reach a point of consent. Taking into consideration the fact that there are disputed questions including the allegations vis-a-vis relationship of petitioner No. 1 and 2, this Court exercising its powers under Article 226 of the Constitution of India in writ jurisdiction of High Court, in absence of any evidence and interaction with the child, will not be in a position to decide the welfare of the child.

[4] The petition is disposed of with liberty to the parties to avail remedies in accordance with law including under Hindu Minority & Guardianship Act, 1956.

[5] Custody of minor child is involved, in case the petition is moved and makes prayer for interim relief, the Court concerned shall decide the same as expeditiously as possible.

[AVNEESH JHINGAN]
JUDGE

6th September, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No