

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

CRWP-8931-2021

Date of decision: 29.09.2021

Rohini Manrai**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Anureet S. Sidhu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of Habeas Corpus for releasing the detinue, namely Hriday aged about 11 years, from the custody of respondent No. 4 and his family members.

On 17.05.2021, the following order was passed:

“Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

List again on 29.09.2021.

The SHO, Police Station Sector 5, Panchkula is directed to produce the alleged detinue, namely Hriday, aged about 11 years, before the Chief Judicial Magistrate, Panchkula on 21.09.2021 at 10:00 AM. The petitioner is also granted liberty to appear before the Chief Judicial Magistrate, Panchkula on the said date.

The Chief Judicial Magistrate, Panchkula will hold a counseling of the child and, if possible, will record his

statement in the absence of his parents and if the child is found capable to understand his good and bad, he may be sent with either of the parents, he wants to reside with.

A report be sent to this Court on or before the next date of hearing.”

In pursuance thereof, the Chief Judicial Magistrate, Panchkula has submitted his report dated 21.09.2021, the operative of which reads as under:

“3. Statement of child was recorded in the chamber of the undersigned. From interaction with the child undersigned opines that the child is capable of understanding his good and bad. The child wishes to reside with his father at Panchkula till his exams are over and thereafter to visit the place of his mother at Patiala. Accordingly, the custody of the child was handed over to his father Sh. Nitin Manrai who received the custody of the child vide separately recorded statement.”

The statement of the child is also attached with the above mentioned report.

Accordingly, on 21.09.2021 itself, the custody of the child was handed over to his father Nitin Manrai as per wishes of the child.

In view of the above, the present petition is rendered infructuous.

However, liberty is granted to parties to approach the competent Court of law under the Guardians and Wards Act, 1890 for the custody of the child, if so advised.

29.09.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No