

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

115

CRWP-961-2022 (O & M)
Date of Decision:21.03.2022

SIMRANJIT KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for respondents No.1 to 3.

Mr. Nitin Sachdeva, Advocate for respondent No.4.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of habeas corpus seeking custody of her minor daughter, who has been illegally retained by her husband, respondent No.4.

In response to notice issued by this Court, status report by way of an affidavit of Assistant Commissioner of Police, Civil Lines, Ludhiana has been filed on behalf of the official respondents No.1 and 2, relevant extract of which is reproduced as under:-

“1. That it is respectfully submitted that the present petition is pending for consideration before this Hon'ble Court and is fixed for hearing on 25.02.2022. That in the present case no complaint about the alleged illegal detention of her minor daughter was ever given by the petitioner with the police of Police Commissionerate, Ludhiana. However, on receipt of Notice from this Hon'ble Court, ASI Hardev Singh of P.S. Division No.5, Ludhiana was deputed to know the facts during which the said ASI contacted respondent no.4 and it was revealed

that respondent no.4 is the father of the petitioner's minor daughter. In fact, the marriage of the petitioner and respondent no.4 was performed on 07.12.2020 and thereafter dispute arose between the husband and wife and on 31.08.2021, the present petitioner had gone to her parents house where she gave birth to a daughter on 31.10.2021. Then on 09.12.2021, the present petitioner alongwith her relatives came to the house of respondent no.4 and after quarrelling, the petitioner herself left her minor daughter with respondent no.4 and went back to her parents house by leaving the child with respondent no.4. In this regard statement of respondent no.4 was also recorded which is annexed hereto as Annexure R-1/T and its Vernacular copy is Annexure R-1.

2. That thus, in this case the petitioner has an alternative remedy to file a Petition under the Guardian and Wards Act against her husband/respondent no.4 for getting the custody of her minor daughter and the present petition is not maintainable and is liable to be dismissed.”

In view of the above, the petition is disposed of. In case, the petitioner invokes the remedy available to her in accordance with law, the same shall be decided on its own merits.

21.03.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No