

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

246

**CRWP-407-2019 (O &M)
Date of decision: 19.05.2022**

RAJWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Manu K. Bhandari, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. H.P.S. Ghuman, Advocate
For respondent No.2.

VINOD S. BHARDWAJ. J.(Oral)

1. The instant writ petition had been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus seeking appointment of a Warrant Officer to secure production of the minor-Dalvir Kaur, daughter of the petitioner who is alleged to have been kept in illegal and unlawful detention by the respondent No.2.

2. It is alleged by the petitioner who is a Government servant and employed as a Driver that he is married to Manpreet Kaur daughter of Hardev Singh and that after his marriage with Manpreet Kaur, he was blessed with two daughters. The younger of the two is Dalvir Kaur who is born on 09.08.2005. It is contended that the petitioner met with serious accident on 27.12.2008 and was consequently hospitalized and remained

admitted in the PGI, Chandigarh where from he was discharged in the second week of January, 2009. During the said period, the wife of the petitioner was taking care of the petitioner at the hospital and it was not possible for her to take care of the minor daughter Dalvir Kaur who was barely 4 ½ years of age at that point of time and hence, she was sent to the custody of respondent No.2.

3. It is evident that the instant petition has been filed praying for issuance of a writ in the nature of Habeas Corpus in the year 2019. Learned counsel appearing on behalf of respondent submits that proceedings in relation to seeking custody of Dalvir Kaur have already been instituted before the Court of Guardian and Wards invoking the jurisdiction under Section 25 of the Guardian and Wards Act, 1890. It is contended that the said case was instituted in the year 2017 and in that case the evidence has already been concluded. Response has also been filed by way of affidavit of Raminder Singh Kahlon, PPS, Deputy Superintendent of Police, Sub Division, Fatehgarh Sahib wherein it has been stated that statement of the minor girl was recorded on 09.08.2019 and being old enough to understand her interest, she has expressed her desire to stay with respondent No.2.

4. Be that as it may, learned counsel appearing on behalf of the contesting parties are at consensus that the instant petition may be disposed off with a direction to the Court of Guardian and Wards to decide the pending proceeding in a time bound manner.

5. Taking into consideration, the proceeding in question had been instituted in the year 2017 and already a period of 05 years has elapsed since then, it would be expedient and in the interest of justice to

direct the said Court to decide the petition titled as “Manpreet Kaur versus Amritpal Singh” bearing GW/6/2017 instituted on 03.01.2017 expeditiously and preferably within period of 06 months from the date next fixed before the said Court.

The instant petition is accordingly disposed of with direction as aforesaid.

MAY 19, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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