

**264 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRWP-6298-2022
Date of Decision: 19th July, 2022**

Gurmeet Kaur

... Petitioner

Versus

State of UT, Chandigarh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Siddharth Gupta, Advocate for the petitioner.
Mr. Abhinav Gupta, APP, U.T., Chandigarh.

AVNEESH JHINGAN , J.(Oral)

1. This is second writ petition in the nature of *Habeas Corpus* filed for release of the detenu namely Anshuman Panchal. It is pleaded that detenu is in the illegal custody of respondent Nos.6 to 9 (arrayed in the petition) i.e. the paternal grandparents and uncles. Earlier the petitioner had approached this Court with similar prayer by filing CRWP No. 5121 of 2022. The petition was disposed of on 25th May, 2022, by passing following order:-

“ 1. This writ petition in the nature of Habeas Corpus is filed seeking direction to official respondents to get the detenu released from the illegal detention of respondents No. 6 to 9.

2. Learned counsel for the petitioner, after arguing for some time, submits that the petitioner would move an application for custody of the minor alongwith an application for an interim relief under the Hindu Minorities and Guardianship Act, 1956.

3. The petition is disposed of with liberty as prayed for.

4. Considering that the welfare of the minor is involved, there is not doubt if an application for custody of the minor and for interim relief is filed, the Court concerned will take up the same immediately.”

2. Thereafter, the petitioner moved an application under Section

Sunam on 14th June, 2022 with liberty to the applicant to avail remedies in accordance with law.

3. It is not being disputed by the learned counsel for the petitioner that the proceeding with regard to the custody of the minor are pending under the Hindu Minorities and Guardianship Act, 1956 (for short 'the Act') before the Family Court, Chandigarh and the petitioner has received the summons for the proceedings.

3. The second petition has been filed with the similar prayer, *inspite* of the disposal of the earlier petition giving liberty to pursue the remedies under the Act.

4. The custody proceedings are pending yet, a parallel remedy has been sought by filing the second petition with a similar prayer as was made in earlier writ petition.

5. No case is made out for entertaining the second petition. Considering the conduct of the petitioner, the petition is dismissed, with costs of Rs.10,000/- to be deposited with Poor Patients Welfare Fund of PGIMER, Chandigarh.

(AVNEESH JHINGAN)
JUDGE

19th July, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No