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

CRWP-7284-2021

Date of Decision: 22.12.2022

Baby

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of a roving writ in the nature of Habeas Corpus for appointment of Warrant Officer for recovery of newly born daughter of the petitioner, namely, Ridhi @ Aina from the illegal custody of respondent Nos.6 & 7.

Learned counsel for the petitioner had not appeared for the last two dates. On 03.08.2022, this Court had directed the Registry to inform both the learned counsels for the petitioner as well as learned counsel for respondent Nos.4 to 7 with regard to the next date of hearing by way of written communication and thereafter, on 25.08.2022, the Registry has put a note by stating that the learned counsel for the petitioner as well as respondent Nos.4 to 7 have been informed. However, on that date as well, the matter was called twice but nobody had caused appearance on behalf of

the petitioner and respondent Nos.4 to 7, and therefore, this Court on that date had directed that the matter be fixed for final disposal on 16.12.2022.

Today again when the matter is taken up for hearing, nobody has caused appearance on behalf of the petitioner and respondent Nos.4 to 7. Therefore, this Court will proceed with this case even in the absence of learned counsels for the petitioner and respondent Nos.4 to 7 with the assistance rendered by the learned State counsel.

This Court on 01.10.2021, had directed that it will be in the interest of justice that the custody of newly born child be immediately handed over to the petitioner, who is her mother and it was also made clear that it was only an interim measure in view of the peculiar facts and circumstances, where a newly born child was only three and half months' old and therefore, the custody of the child was given to the mother of the child, who is the petitioner and it would not mean any observation on the rights of the parties, which otherwise may be so adjudicated in accordance with law.

Mr. Jashandeep Singh, learned AAG, Punjab on instructions from ASI Rajesh Kumar, has stated that in pursuance of the aforesaid order, the custody of the newly born child of the age of three and half months' has already been handed over to the petitioner, who is her mother.

In view of the aforesaid aforesaid facts and circumstances, nothing survives in the present petition and the same is hereby disposed of.

22.12.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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