

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

**Criminal Writ Petition No. 596 of 2019 (O&M)
Date of Decision: 04.02.2022**

Manjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab
for official respondent Nos. 1 to 3.

None for respondent No. 4.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner seeks the making of a writ in the nature of habeas corpus, upon, co-respondent Nos. 1, 2 & 3, qua the latter(s) producing before this Court, a boy, named, Rinku, who is stated at the Bar, to yet a minor, and, is the bio-logical son of the petitioner, after their(s) ensuring his retrieval from the purported illegal custody of co-respondent No. 4 / Jasbir Singh.

2. It is averred that co-respondent No. 4 / Jasbir Singh is not the husband of the petitioner, nor, is the bio-logical father of the minor boy, named, Rinku.

3. Furthermore, it is evident that, in a case constituted by the petitioner, under the provisions of Guardian and Wards Act, 1890, and, registered, as Case No. 10/14.6.2010, she had sought the custody of minor Rinku from Jasbir Singh, who is herein arrayed as co-respondent No. 4.

During the course of pendency of the afore petition before the learned Court

concerned, the petitioner has made a statement, a photocopy, of, which is, appended with the petition as Annexure P-1. Since, therein she stated that since co-respondent No. 4 has handed over to her, the custody of minor Rinku. Therefore, the learned Court concerned, became constrained, to dismiss as withdrawn, the above petition.

4. The learned counsel for the petitioner submits, that co-respondent No. 4 (Jasbir Singh) is continuing to, despite the afore made decision, upon, the petitioner's petition cast under Section 8 of the Guardian and Wards Act, hence by the learned Court concerned, rather unlawfully retain the custody of minor boy, named, Rinku. If so, the petition, at hand, claiming the above relief, is completely ably constituted, and, is maintainable before this Court.

5. The learned State Counsel, has drawn the attention, of this Court to a statement / report, appended as Annexure R-1, with the reply furnished to the petition, by one, Sh. Sahib Singh, Sub Inspector / SHO, Police Station City Samana, District Patiala. Therein, he has stated that co-respondent No. 4 is ready and willing to handover the custody of the afore minor boy, named, Rinku to the petitioner.

6. Believing the afore made report, this Court deems it fit, and, appropriate to direct co-respondent Nos. 2 & 3, to ensure, that co-respondent No. 4, shall forthwith, hand over the custody of minor boy Rinku, to the petitioner, who is the bio-logical mother of the said minor.

7. Disposed of.

February 04, 2022

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(SURESHWAR THAKUR)

JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>