

CRWP-312-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of Decision: July 18, 2023

Parveen KumarPetitioner(s)

Vs.

State of Haryana and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Vivek Aggarwal, Advocate and
Mr. Lalit Rishi, Advocate for the petitioner(s).

Mr. Rajat Gautam, Addl. A.G. Haryana

Ms. Manjit Kaur Saini, Advocate for respondent No.4.

None for respondent No.5.

ANOOP CHITKARA J. (ORAL)

The present petition has been filed for issuance of writ in the nature of Habeas Corpus directing the official respondents for release of detenue-Shivansh-son of the petitioner, who is stated to be in illegal custody of his mother-Swati.

2. Counsel for respondents No.4 submits that he has no objection if visiting rights for a limited period is given to petitioner.
3. To enable the petitioner to take legal recourse under statutory provisions, in the interregnum for a period of 100 days, the petitioner shall be at liberty to take away the child-Shivansh on every Saturday at 5:00 p.m. and drop him back to respondent No.4 on Sunday at 6:00 p.m. In case, Saturday is not holiday then he can pick up the child on Sunday morning at about 10:00 a.m. and drop him back in the Sunday evening. It is clarified that the mother of the child shall mentally prepare the child to spend time in the company of his father, which

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is his natural right, and shall co-operate with him. It is further clarified that when the petitioner visits to drop the child, he would carry sufficient amount of gift so that the mother can also take share from it. Moreover, it is further clarified that at the time of meeting, petitioner and respondent No.4 do not create scene and behave in a decent manner toward each other. In case, any of the party fails to comply with this direction, the other party can approach to this Court and this Court shall take it very seriously.

4. In case of any issue arises between petitioner and respondent No.4, each party can approach to his/her counsel and their counsel shall interact with each other to settle the matter.

5. This settlement shall go on for 100 days. In case the petitioner approaches the competent Court, under the Guardians and Wards Act, 1890, before 100 days, the concerned Court may proceed with further in accordance with law except diluting this portion of order till the completion of 100 days. It is further clarified that in case the concerned Court passes any more favourable order in favour of the petitioner before the expiry of 100 days, this order shall eclipse automatically.

6. With the aforesaid observations, the present petition is disposed of.
All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

July 18, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No