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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of Decision: July 26, 2023

RakhiPetitioner(s)

Vs.

State of Haryana and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ramnish Puri, Advocate
for the petitioner(s).

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

Mr. S.P. Chahar, Advocate
for respondents No.7 to 10.

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- Jivyansh (son of the petitioner), who is stated to be in illegal custody of private respondents No.7 to 10.

2. Counsel for the petitioner prayed for grant of visiting rights or custody of minor for few days i.e. till she avail statutory remedy in accordance with law.

3. To enable the petitioner to take legal recourse under statutory provisions, in the interregnum for a period of 100 days, the petitioner (who is present in Court and fully agreed to the terms of settlement, explained to her by her counsel) shall be at liberty to take away the child- Jivyansh on 01.08.2023 between 8:00 to 12:00 noon for 50 days and the private respondents shall pick up the child back from the residence of petitioner on 19.09.2023 by 5:00 p.m. It is

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clarified that in case the petitioner denies to hand over the custody of the child back, this conduct of petitioner shall be taken against her very seriously.

4. Given the assurance of the petitioner, this Court trusts her, believes her and in case she denies to hand over custody of the child back, it shall be permissible for respondent to file an application after 20.09.2023 and custody of the child shall be restored to private respondents and this Court shall proceed against the petitioner in accordance with law. It is clarified that respondents No.7 to 10 shall co-operate with her.

5. It is further clarified that when the petitioner visits to pick up the child, she would carry decent gifts for the child as well as for family members of her husband. The private respondents to accept her gifts with utmost respect and when they visit to pick up the child, they also reciprocate with better gifts. Moreover, at the time of meeting, petitioner and private respondents No.7 to 10 do not create any 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.

6. In case of any issue arises between the petitioner and private private respondents No.7 to 10, each party can approach to his/her counsel and their counsel shall interact with each other to settle the matter.

7. 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 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.

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8. With the aforesaid observations, the present petition is disposed of.

All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

July 26, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No