

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-2441-2023 (O&M)
Date of Decision:- 14.03.2023

Sawan Shandil ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Sharma, Mr. Manoj Sharma and
Mr. Nihil Mittal, Advocates, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner has approached this Court seeking issuance of writ in the nature of habeas corpus so as to produce his minor son Daivik aged 5 ½ years, who is alleged to be unlawfully, illegally and forcibly detained by respondents No.4 to 6.

Respondent No.4-Ruchi Verma, is none else but wife of the petitioner. The petitioner's wife has lodged an FIR No. 222, dated 07.11.2022, Police Station Sector 20 Panchkula, under Sections 323, 406, 498-A, 506, 34 IPC, against the petitioner and others. Apparently, it is a case arising out of some kind of matrimonial discord. The child is of tender age being 5 ½ years only and is stated to be with his mother. Such like custody cannot be termed as illegal so as to justify issuance of writ in the nature of habeas corpus. As such, this Court does not find any ground for issuance of direction or writ.

However, needless to mention that it shall be open to the petitioner to approach the Family Court, concerned, so as to seek custody of his son. In case, any such petition is filed, the Family Court shall deal with the same in accordance with law. Further, in case any application seeking interim custody of the child is also filed before the Family Court, the Family Court shall endeavour to dispose of the same expeditiously in accordance with law.

The aforesaid order shall not be taken to be any expression on the litigation as may ensue pertaining to custody of the child.

14.03.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No