

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP NO.3768 OF 2022(O&M)
Date of order: 20.07.2023

Mohit alias Mohit Saini
... Petitioner(s)
Versus
State of Haryana & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner(s).
Mr. Rajat Gautam, Addl.A.G., Haryana.
Mr. Raj Kumar Saini, Advocate
for respondent nos.4 to 6.

ANOOP CHITKARA, J.

1. Petitioner, who is father of alleged detenu, has filed the present writ in the nature of *Habeas Corpus*, to recover his minor sons, one of whom is aged about 1½ year and the other is aged about 6 months from the illegal custody of respondent no.4 to 6, who are mother and maternal grand parents of alleged detenu.
2. The petitioner was married with respondent no.4-Rajni on 28.2.2020 and they had their first child together on 23.11.2020. After few months, petitioner’s wife conceived again, however, due to altercation with petitioner, she left her matrimonial home and gave birth to second child on 25.11.2021, but the private respondents concealed the said fact from the petitioner.
3. Counsel appearing for private respondents no.4 to 6 submits that the children are staying with them. He further submits that they have no objection if visiting rights for a limited period is given to petitioner.
4. As per the petitioner, who is father of children, he has never seen his second child and only had few opportunities to spend time with his first child also. Therefore, the petitioner is permitted to meet his children and spend time with them for two hours on every Saturday from 4:00 pm to 6:00 pm at the place of private respondents

i.e. Vill.Dhyangla, Tehsil Ladwa, District Kurukshetra. It is clarified that the children’s mother shall encourage the children to spend time in their father's company, which is his natural right, and shall cooperate with the father during their time together. The petitioner shall also be at liberty to make video calls to his children twice a week, provided such calls do not interfere with the children's playtime. It is further clarified that when the petitioner visits his children, he will carry adequate gifts so that both the children as well their mother may receive their shares. Both the parties shall behave appropriately during this meeting.

5. This settlement shall go on for a period of one hundred days. In case the petitioner approaches the competent Court, under the Guardians and Wards Act, 1890, before one hundred days, the concerned Court may proceed further under the law except diluting this portion of the order till the completion of 100 days.

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

(ANOOP CHITKARA)
JUDGE

July 20, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No