

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

225

CRWP-4304-2023

Date of Decision: July 24, 2023

Aarti Vasal

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. Mohan Chauhan, Advocate and
Mr. Amar Jeet, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Naveen Batra, Advocate for respondents No.5 to 7.

ANOOP CHITKARA J. (ORAL)

1. The present petition has been filed to issue a writ like Habeas Corpus directing the official respondents to release the detenue-minor daughter of the petitioner and hand over the custody to her, being her mother. On the last hearing date, custody of the child was given to the petitioner for one week starting from 21.07.2023.

2. After hearing counsel for both parties, this Court deems it appropriate that the child spends fifteen days with the father starting on 28.07.2023, followed by fifteen days with the mother starting on 12.08.2023. After that, the child will spend thirty-five days with each parent to make one hundred days. This Court directs that when the petitioner picks up the child from the private respondent's house, she shall be accompanied by a female advocate dressed in civilian attire to assess the child's comfort with the petitioner. If, as per the assessment of such a female advocate, the child is uncomfortable with the petitioner, the petitioner shall not insist on taking the child with her. It is further directed that if the child is comfortable and the above settlement continues, then during this settlement, the non-residential parent may visit the residence where the child is staying to meet the child and that such visits are allowed only for Saturdays from 4 pm to 6 pm for 2 hours. It is also clarified that the child's Amish-agnate brother and the child's

Disha-uterine sister can also meet her. Both parents are directed to treat siblings of the child respectfully as their child. It is further clarified that parties can approach their counsel, who will interact with each other for any other difficulty. This settlement shall go on for one hundred days. Suppose the petitioner approaches the competent Court, under the Guardians and Wards Act, of 1890, before 100 days, in that case, the concerned Court may proceed further following the law except diluting this portion of the order until the completion of one hundred days.

3. With the previously mentioned observations, the present petition is partly allowed. **This order shall eclipse automatically on Nov 05, 2023.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.07.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No