

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

CRWP-4592-2023 (O&M)
Date of Decision:-11.05.2023

Jagdeep Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amarpreet Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. Petitioner-Jagdeep Kaur has filed this petition in the nature of Habeas Corpus directing the respondents to release the alleged detainee Khushnaaz Preet Kaur aged 3 ½ years who is daughter of the petitioner who is alleged to be illegally detained by respondent No.3-Lovepreet Singh, who is none else but husband of the petitioner.
2. This Court has heard the learned counsel for the petitioner.
3. During the course of arguments, it was fairly informed by learned counsel for the petitioner that as a matter of fact a petition seeking custody of the minor daughter has already been filed by the petitioner in the Family Court at Bathinda which was filed somewhere in August 2022 and that thereafter an application seeking interim custody was also filed, but till date neither the main case has been decided nor any order has been passed in the interim

application and as a matter of fact even visitation rights have not been granted to the petitioner.

4. Having regard to the aforestated position, though this Court can appreciate that normaly custody of a minor daughter should be with the mother unless there are some exceptional circumstances but the appropriate remedy would lie before the Family Court which the petitioner, as a matter of fact is already availing.
5. In view of the aforesaid circumstances the instant petition is disposed of with a direction to the Family Court concerned where the matter pertaining to the custody of the minor child is already pending to dispose of the application for grant of interim custody expeditiously preferably within a period of two weeks from today. In case the matter is posted for a long date, the same be preponed so that the matter can be disposed of expeditiously. In any case the Family Court concerned shall consider the request, if any, made by the petitioner for visitation rights at the earliest, preferably within a period of 4 days of filing any such application in case the same has already been filed.

11.05.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No