

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4935 of 2023

Date of Decision: May 22, 2023

Asif		Petitioner
	Versus	
State of Haryana and ors.		Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarfraj Anjum Mor, Advocate for the petitioner.
Mr. Gaurav Bansal, DAG, Haryana.
Mr. Nafeesh Ahmed, Advocate for respondents No.4 to 11.

HARKESH MANUJA, J (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for release and immediate safety of minor detenue Aaliya @ Aqsa aged about 18 months daughter of Asif son of Musharraf, petitioner.
2. In the present case, the petitioner and respondent No.5 got married as per Muslim law on 20.04.2019 and out of the said wed-lock, daughter Aaliya @ Aqsa was born on 10.12.2021. As per the averments made in the petition, respondent No.5 has now started residing with respondent No.4 without getting divorce from the petitioner. Apprehending threat to the life of his daughter, namely, Aaliya @ Aqsa, the present criminal writ petition has been filed by the petitioner with a prayer for issuance of directions for her release from the alleged illegal custody of respondents No.4 & 5.
3. On 19.05.2023, this Court while issuing notice of motion, passed the following order:-

“Notice of motion for 22.05.2023.

Mr. R.K.Ambavta, AAG, Haryana and Mr. Nafeesh Ahmed, Advocate, who are present in the Court accepts notice on behalf of respondents No.1 to 3 and respondents No.4 to 11, respectively.

Both the parties are directed to appear in person along with minor child namely Alia @ Aqsa before the Court on the date fixed.”

4. Today, petitioner as well as respondents No.4 & 5 along with their family members are present in Court. The matter was sent to the Mediation and Conciliation Centre of this Court, however, despite there being sincere efforts made by the Mediator, both the respective counsels as well as learned State counsel, no settlement could be arrived at between the parties and thereafter, matter was again taken up at 6.00 PM.
5. During the course of arguments, learned counsel representing respondents No.4 to 11 in the presence of respondent No.5, has got her statement recorded, wherein she submits that *“I have given the custody of minor daughter Aaliya @ Aqsa who is about 18 months old to my husband Asif (petitioner) from the Court itself voluntarily, out of my own free will and without any pressure from any side. I will have no connection with my daughter from today onwards”*. In this regard, statement of petitioner Asif has also been recorded separately. Both the statements shall form part of this order as Mark ‘X’ & Mark ‘Y’, respectively.
6. In view of the agreed stand taken by petitioner and respondent No.5 as well as their respective counsel, the custody of minor daughter, namely, Aaliya @ Aqsa, has been handed over to the petitioner in Court and thus, the present criminal writ petition is disposed of in the terms mentioned above.
7. Pending application(s), if any, shall also stand disposed of.

May 22, 2023
sanjay

[HARKESH MANUJA]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no