

CRWP-6633-2022 (O&M)

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

243

**CRWP-6633-2022 (O&M)
Date of Decision: July 12, 2023**

Harwinder Kaur

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Dhawan, Advocate for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Gurvarandeep Singh Sandhu, Advocate
for respondent No.4.

Mr. Anil Malhotra, Advocate as *amicus curiae*

ANOOP CHITKARA J. (ORAL)

The present petition has been filed for issuance of writ in the nature of Habeas Corpus directing the official respondents to release the detenue-minor son of the petitioner and hand over the custody to her being his mother.

2. Counsel for the petitioner submits that the custody of the minor may be restored to the petitioner being his mother

3. Counsel for respondent No.3 submits that they have no objection if visiting rights for a limited period is given to petitioner-mother.

4. To enable the petitioner to take legal recourse under statutory provisions, in the interregnum for a period of 100 days, the petitioner shall be at liberty to take the child to spend time with the child for three hours on every Sunday with her child from 10:00 am to 1:00 p.m. It is clarified that the father of the child shall mentally prepare the child to spend time in the company of his

mother, which is her natural right, and shall co-operate with her. The petitioner-mother shall also be at liberty to make Video calls twice in week to her child provided that the time does not affect the child's study and playing hours. It is clarified that in case the petitioner fails to visit on any Sunday to meet her child, this would not amount to waive off her right and she can meet on any holiday that falls in that very week. Moreover, in case father-respondent No.4 does not let the child to meet her mother, the custody of the child would restore to the petitioner-mother.

5. This settlement shall go on for 100 days. In case the petitioner approaches the competent Court, under the Guardians and Wards Act, 1890, before 100 days, the concerned Court may proceed further in accordance with law except diluting this portion of 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.

7. This Court appreciate the services rendered by Mr. Anil Malhotra, Advocate as *amicus curiae*.

(ANOOP CHITKARA)
JUDGE

July 12, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No