

(236) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6583-2023

Date of Decision:20.07.2023

Mukesh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present : Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G. Punjab.

ANOOP CHITKARA, J. (Oral)

Petitioner has come before this Court for issuance of a writ in the nature of habeas corpus for protection of his minor child who is in the illegal custody of his wife.

2. State counsel submits that since the petitioner's wife alongwith the child is living in Uttrakhand, they do not have the jurisdiction to take any action as the jurisdiction lie with the Uttrakhand police and not lie with the Punjab. Although the child is taken by her mother, it cannot be said to be forcefully taken by the mother who is the natural guardian of the child.

3. Given the submission of State counsel, this Court cannot exercise its power beyond territorial jurisdiction. Petition is disposed of reserving liberty to the petitioner to avail his legal remedies in accordance with law.

20.07.2023

rajeev

**(ANOOP CHITKARA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*