

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-W-1260-2023 IN/AND
CRWP-8275-2023
Date of Decision: 24.08.2023**

Balkesh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J.P.Sharma, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondents No.2 to 4 to produce the minor detenu Lakshit aged 7 years and minor detenu Chahak aged 3½ years before this Court as the private respondents kidnapped the minor children and hand over the aforesaid children to the petitioner; along with certain other prayers.

2. It is not even in dispute that the aforesaid children are in custody of the father and grand-parents (private respondents herein). Under the Hindu Minority and Guardianship Act, 1956, father is a natural guardian, as well. Therefore, by any means, it cannot be said to be a case of illegal custody, as such. Therefore, no petition for a writ of habeas corpus is maintainable.

3. Dismissed.

4. However, the petitioner would be at liberty to avail alternate remedy, in accordance with law.

**(RAJBIR SEHRAWAT)
JUDGE**

24.08.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No