

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8791-2023
Date of Decision: 05.09.2023

Rahamani Petitioner

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Siddharth, 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 and 3 to release the minor detenue from the illegal custody of respondent No.4 to 6 and to give the custody of the newly born baby girl to the petitioner.
2. A perusal of the petition itself shows that the allegation qua the custody of the minor child is against the husband of the petitioner, as well. The husband also is a natural guardian of the minor child under the Hindu Minority and Guardianship Act, 1956. Therefore, it cannot be said by any means that the child is in illegal custody, as such. Hence, the present petition is not maintainable, and the same is dismissed, as such.
4. However, the petitioner would be at liberty to avail alternate remedies, under the relevant statutory provisions.

(RAJBIR SEHRAWAT)
JUDGE

05.09.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No