

CRWP-10195-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CRWP-10195-2023
Date of Decision:-16.10.2023

Neeraj Kumar
.....Petitioner

Versus

State of Haryana and others
.....Respondents

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Japjit Singh Johal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for issuance of a writ in the nature of habeas corpus directing respondents No. 2 & 3 to produce the detenue namely Vatsal Goyal, who is the son of the petitioner.
2. Learned counsel for the petitioner submits that the present petition has been filed claiming custody of the child by the father, as respondent No. 4 is a working woman though she stays on the first floor of the same house and both are in litigation with each other due to matrimonial discord.
3. Finding no merit in the petition, as the custody with the mother can neither be declared as illegal nor it is a case that the whereabouts of the detenue are not known to the petitioner.

CRWP-10195-2023

4. Learned Senior counsel relies upon the judgment passed by this Court in case titled as ***Sandeep Kumar @ Sandeep Chugh Vs. State of Haryana and others*** and has relied upon para 27, which reads as under:

“The law regarding jurisdiction of the High Court to entertain a habeas corpus petition in relation to production and custody of a minor child on the allegations or illegal detention is well settled”.

5. However, in that case, there is no denial to the fact that the petition would be maintainable for production of the minor child but the allegations or illegal detention has to be established and well-settled and in the present case, admittedly, the petitioner is living on the ground floor and respondent No. 4 is living with her son on the first floor of the said house.

6. In light of the above, the present petition stands dismissed.

7. However, liberty is granted to the petitioner to approach the competent Court under the Guardianship and Wards Act.

(ALOK JAIN)
JUDGE

October 16, 2023

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No