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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-W-465-2024 in/ and
CRWP No.68 of 2024 (O&M)
Date of Decision: 13.12.2024

Sukhpreet Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shakti Mehta, Advocate
 for the petitioner.

 Mr. Sukhdev Singh, A.A.G., Punjab.

 Mr. Manuj Nagrath, Advocate for respondent No.4.

ANOOP CHITKARA, J.

1. The petitioner-mother of the child from whom the custody of the child had been taken away by respondent No.4-father, had come up before this Court seeking custody of the child on the ground of illegal detention.
2. Vide order dated 06.08.2024, the Coordinate Bench of this Court had passed the following order and the relevant portion of which reads as under:

“In the meantime, the alleged detainee namely Manvir Singh Grewal aged about 9 years be produced before the counselor. Counselor shall interact with the child and give the report, whether child wants to live with mother or father on or before the next date of hearing.”
3. Pursuant thereto, the child was produced before the counsellor where according to the petitioner’s counsel the child expressed his willingness to stay with his mother and since then, the child is staying with the petitioner-mother.
4. Since the custody of the child is with the petitioner, as such, counsel for the petitioner wants to withdraw the present petition.
5. However, counsel for respondent No.4-father submits that under the garb of order of this Court, the petitioner had forcibly taken the custody of child and cannot be allowed to withdraw the present petition since the matter is still sub-judice.

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6. Given above, the present petition is disposed of, as withdrawn with clarification that if the petitioner-mother wants to retain the custody of the child, she has to avail legal remedy available under the Guardians and Wards Act on or before 10.01.2025 and till that time, the custody of the child will remain with the petitioner-mother and after that as per orders of Guardians and Wards Act. Before filing the petition before the concerned Court, petitioner shall supply copy of the same to respondent No.4-father. It is further clarified that trial court concerned shall not draw any inference from the observations made in the orders passed by this Court or by the counsellor in his report. Concerned court is requested to decide the interim custody plea of the parties preferably within one month, if such petition is filed.

7. Given above, the present petition is disposed of with aforesaid observations. Pending applications, if any, also stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.12.2024
Sonia Puri

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No.