

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

Neutral Citation No. **2024:PHHC:042302**
CRWP-2027-2024
Date of Decision: March 22, 2024

Parminder Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajiv Malhotra, Advocate for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

Detenues Parvaaz Kaur and Guranshdeep Kaur alongwith their mother - respondent No.4 – Harmandeep Kaur alongwith Mr. Gagandeep Singh Virk, Advocate.

DEEPAK GUPTA, J.(Oral)

Reply by way of affidavit of Shir Murad Jasvir Singh Gill,
Assistant Commissioner of Police (West), Ludhiana, has been filed on behalf
of respondent Nos.1 to 3.

2. Pursuant to the order dated 01.03.2024, minor children i.e. the alleged detainees have already been produced, who have appeared alongwith their mother – respondent No.4.

3. In this criminal writ petition filed under Section 482 Cr.P.C. seeking writ in the nature of habeas corpus for issuance of direction to produce the minor daughters of petitioner No.1 from alleged illegal detention of respondent Nos.4 and 5, following order was passed by this Court on 01.03.2024 :-

“1. Through the instant writ of habeas corpus, the petitioners seek issuance of directions upon the respondents No.2 and 3, to produce the minor daughters of the petitioner No.1, from the illegal detention of the respondents No.4 and 5.

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2. The petitioner No.1 is the father, and, the petitioners No.2 and 3 are the maternal grandparents of the alleged detenus, namely, Guranshdeep Kaur, aged about 13 years, and, Parvaaz Kaur, aged about 05 years.

3. The learned counsel for the petitioners submits that, on 24.11.2023, the respondent No.4, who is wife of the petitioner No.1 and daughter of the petitioners No.2 and 3, along with both the minor daughters/alleged detenus left the company of the petitioner and started residing with her paramour (respondent No.5). Now, the respondents No.4 and 5, in order to grab the whole estate of the petitioner No.1, are blackmailing the petitioners by keeping the alleged detenus/minor daughters, who are of tender age, in a bad environment, and as such, their future is at risk and danger.

4. Generally this Court refrains from entertaining petitions like the one at hand, which includes a matrimonial discord with regard to custody of minor children, however, considering the fact that apart from the father of the alleged detenus, their maternal grandparents are also apprehending danger to their welfare and future, this Court deems it appropriate to issue notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondents No.1 to 3.

6. The respondent No.3- S.H.O. concerned is directed to produce the alleged detenus before this Court on 04.03.2024.

5. Moreover, notices be served upon the respondents No.4 & 5, through respondent No.3- S.H.O. concerned.

6. List on 04.03.2024.

7. A copy of this order be supplied to the learned State couns under signatures of Special Secretary of this Court, for communicating to the quarter concerned and strict compliance.”

4. As noticed above, pursuant to the aforesaid order, the minor children have been produced.

5. This Court had an interaction with the two minor children in the chamber, in the absence of any of the parties/their counsel. One of the child

being aged about 14 years, is able to understand the whole issue. As per her, it is petitioner No.1-father, who turned out respondent No.4 alongwith children and that now all three of them i.e. respondent No.4 and her two daughters - alleged detenues are residing together.

6. Reply filed on behalf of respondent Nos.1 to 3 by way of affidavit of Shri Murad Jasvir, Asstt. Commissioner of Police (West), Ludhiana, also reveals that on verifying the facts, it was found that dispute arose between petitioner No.1 (husband) and respondent No.4 (wife) and ultimately on 24.11.2023, it is petitioner No.1, who turned out respondent No.4 alongwith minor daughters (alleged detenues) from his house and now these detenues are residing with their mother, i.e. respondent No.4.

7. Since respondent No.4 is the real mother of the alleged detenues and this petition has been filed on account of matrimonial discord between husband and the wife, this Court does not find any legal ground, so as to issue any direction. As the children are residing with their own mother, no further direction is required to be issued. Petitioner No.1 as father of children will be at liberty to avail his remedy before the competent Forum, as per law.

Disposed of.

March 22, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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