

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2788-2024
DECIDED ON: 22.03.2024

POOJA GULERIA
.....PETITIONER
VERSUS
STATE OF PUNJAB AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for the release of the detainee namely 'Vani Sahota' aged 7 years, who is stated to be in illegal confinement of respondents No.5 to 7 with further direction to produce the alleged detainee in Court.
2. Once the counsel for the petitioner fails to establish the maintainability of the Habeas Corpus petition, in the light of the fact when the question was raised by the Court as to how the writ of Habeas Corpus can be entertained against a biological father in whose custody the minor child is alleged to be in illegal custody, he prays for withdrawal of the present petition with liberty to move an appropriate application before the Guardianship Court where the application for custody of the minor is already pending.
3. Prayer is accepted.
4. Dismissed as withdrawn with liberty as prayed for.

(SANDEEP MOUDGIL)
JUDGE

22.03.2024
Sham

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