

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-3006-2024 (O&M)
Date of Decision: 04.04.2024

SHIFFU JAND

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikas Bali, Advocate
for the petitioner.

HARSH BUNGER, J. (ORAL)

1. Petitioner (Shiffu Jand) has filed the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, *inter alia*, seeking issuance of a writ in the nature of Habeas Corpus directing respondents No.2 and 3 to release the detenues/minor children, namely Rudra Jand and Raghav Jand, from the custody of respondent No.4 (Saurav Jand); who is, admittedly, the father of the minor children.
2. Concededly, the petitioner has already filed a petition under Section 6 of the Hindu Minority and Guardianship Act, 1956 read with Sections 8, 12 and 25 of the Guardians and Wards Act, 1890 (Annexure P-5), seeking custody of the minor children, which is pending consideration before the learned Family Court at Ludhiana.
3. When confronted with the afore-said fact, learned counsel for the petitioner submits that he may be permitted to withdraw the instant

petition with liberty to pursue the said petition (Annexure P-5) before the concerned Court. However, he submits that the petitioner has also filed an application dated 12.05.2022 (Annexure P-6), seeking visitation rights to meet her minor children, which is not being considered by the learned Family Court, Ludhiana.

4. However, a perusal of orders dated 13.09.2023 (Annexure P-7), 04.11.2023 (Annexure P-8) and 02.02.2024 (Annexure P-9) would clearly indicate that the application submitted by the petitioner, seeking visitation rights to meet her minor children on specific occasions like their birthdays and on the festival of 'Ahoi', has already been considered and appropriate orders have been passed thereupon.

5. Be that as it may, in case, the petitioner moves an application praying for interim visitation rights to meet her minor children, the concerned Family Court shall make an endeavour to decide the same expeditiously, in accordance with law.

6. With the afore-said observations, the present petition is dismissed as withdrawn.

7. All pending application/s, if any, shall also stand closed.

04.04.2024

Apurva/gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No