



CRWP-3659-2024

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

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CRWP-3659-2024

Date of Decision:- 28.08.2024

Kulwinder Kaur

....Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Kulwinder Kaur has filed criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for directing respondents No.1 to 4 to produce her daughter Prabhjot Kaur aged about 04 years 04 months and son Gursewak Singh aged about 02 years 07 months who are in illegal custody of respondents No.5 and 6 and to handover the children to petitioner or any other order or direction which the Court may deem fit in the present case.

2. Learned counsel for petitioner argued that earlier petitioner was married to Rajwinder Singh. Out of this wedlock, no child was born. Respondent No.5 was having matrimonial dispute with his wife. Thereafter, petitioner and respondent No.5 started living together as husband and wife and out of this relationship, two children were born namely Prabhjot Kaur and Gursewak Singh. In October, 2023 respondent No.5 in connivance with respondent No.6 who is his relative turned out

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petitioner from the house and thereafter, took away the children to some undisclosed location. She filed representation dated 05.02.2024 (Annexure P-1). She tried to contact her husband and children. Ultimately, present writ petition has been filed.

3. Notice was issued on 24.04.2024. Status report has been received. As per the status report, matter was inquired to verify the factual position. It is mentioned in the status report that petitioner was earlier married and was having a female child aged about 18 years who was left behind and petitioner performed second marriage with respondent No.5 Gurnam Singh. Out of this wedlock, she is having two children. It is reported that both children are in the custody of respondent No.5 who is taking care of them. Petitioner has also given her statement that she did not want to pursue the present petition as she will seek appropriate remedy as per law. Along with status report, photocopy of statement of Kulwinder Kaur in *vernacular* is also produced today in the Court.

4. In view of the status report, it is clear that petitioner does not want to pursue the present petition as she wants to avail other legal remedy as per law. Therefore, present writ petition in the nature of Habeas Corpus has rendered infructuous and accordingly disposed of.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

28.08.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No