

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

**CRWP-3722-2024
Date of Decision : 01.05.2024**

ANITA RANI

.....Petitioner

VERSUS

COMMISSIONER OF POLICE AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kanwar Abhay Singh, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 24.04.2024, a co-ordinate Bench of this Court, passed the following order:-

“Petitioner – Anita Rani seeks issuance of a writ in the nature of Habeas Corpus so as to seek release of her minor children namely Parneet Kaur aged about 7 years and Harsamar Singh aged about 5 years, who are alleged to be illegally detained by respondents No.3 to 5.

It is worthwhile mentioning that the petitioner is wife of respondent No.3 – Jagdeep Singh although a petition for dissolution of their marriage is stated to be pending at Family Court, Ludhiana. Respondents No.4 and 5 are the grandparents of the alleged detainees.

Learned counsel for the petitioner submitted that marriage of the petitioner with respondent No.3 was solemnized in the year 2015 and they were blessed with two children i.e. the detainees, who have been staying with the petitioner at Ludhiana ever since their birth, as the petitioner is serving Punjab Police in NRI Wing, Ludhiana, while respondent No.3 is serving Indian Army and is posted at Pathankot, who had been visiting to Ludhiana off and on till October 2022, when a dispute arose amongst the parties and subsequently divorce petition came to be filed in the year 2023.

Learned counsel for the petitioner submitted that on 18.3.2024 while the petitioner was away to attend to her duties, respondent No.3 forcibly took away her children from her house while they were present alongwith caretaker. Learned counsel for the petitioner submits that respondent No.3 forcibly took away her children and filed an application under Guardian and Wards Act at Family Court, Rupnagar for declaring him as a natural guardian of the

minor children, wherein notice has been issued for 25.4.2024 to the petitioner.

Learned counsel for the petitioner fairly submitted that while the petitioner shall duly have recourse to all the legal remedies for getting the custody of her minor children and, if need be, either file an application in the petition already filed by respondent No.3 before the Family Court at Rupnagar or institute a fresh petition in the Family Court at Ludhiana and that at present she is mainly concerned about the welfare and well being of her minor children.

Notice of motion for 1.5.2024.

Respondents No.3 to 5 are directed to produce the children of the petitioner before the Family Court at Rupnagar on 25.4.2024.

This order be conveyed immediately to the private respondents through ordinary process as well as dasti process.

The petitioner would be at liberty to serve the private respondents through the counsel representing respondent No.3 before the Family Court at Rupnagar. It shall also be open to the petitioner to send intimation about this order to respondents No.3 to 5 through whatsapp in case said respondents have an account on whatsapp.

In case, for any justifiable reason, the children are not produced before the Family Court, Rupnagar on 25.4.2024, the Presiding Officer shall fix a short date for their production and upon their production shall permit the petitioner to spend time with her children.

The Presiding Officer concerned shall interact with the parties and also with the children and while assessing the welfare of the children may frame some schedule to enable the petitioner to have regular interaction with her children.

Since it has been informed that the children have been continuously staying in Ludhiana and the school fees has always been paid by the petitioner and as a matter of fact even for the current year the school fees already stands paid, it will certainly be in the interest of the children to continue with their studies preferably in the school, where they were studying earlier unless there are justifiable reasons for changing the school.

The Family Court, Rupnagar, where the custody petition is pending or any other Court where the petitioner may chose to file appropriate petition regarding custody of her children shall examine such issues.

It is further made clear that in case any petition for custody is filed by the petitioner before appropriate Court accompanied by any application for grant of interim custody, the Presiding Officer concerned shall endeavour to dispose of the application for interim custody expeditiously preferably within a period of 10 days from filing of such application.

To be shown in urgent list.”

2. Learned counsel for the petitioner submits that in compliance to the aforesaid order, the minor children were produced by respondents no.3 to 5 before the learned Family Court concerned, and thereupon, that

Court handed over the interim custody of the children to the present petitioner.

3. He further submits that the issue regarding handing over the permanent custody of the children is pending consideration before the learned Family Court concerned, therefore, at this stage, the grievance of the present petitioner is redressed and she does not want to press the instant petition any further.

4. In view of the above, the instant petition is ordered to be **dismissed as not pressed**, at this stage. However, liberty is granted to the petitioner to raise all such pleas, which has been raised before this Court, before the learned Family Court concerned, where the issue regarding permanent custody of the children is pending consideration.

May 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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