



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

CRWP-5176-2023

Date of Decision : 07.05.2024

SIMRANPREET KAUR THR.HER SPA PARAMJEET KAUR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shailender Singh Momi, Advocate,
for the petitioner.

Mr. Ravish Kaushik, Addl.A.G., Haryana.

Mr. Lovish Bansal, Advocate,
for respondents no.4 to 6.

KULDEEP TIWARI, J.(Oral)

1. The petitioner through her special power of attorney knocked the doors of this Court by invoking a writ of *habeas corpus* for handing of the custody of her child master Ashvanjot Singh, aged about 11 years, who is alleged to be in the illegal custody of her father-respondent no.4.

2. The petitioner-mother, who is having strained relationship with her husband-respondent no.4, is living in Australia alongwith his another son.

3. Earlier also the present petitioner had approached this Court for the same relief vide CRWP-1529-2022, and with the mutual consent of both, petitioner and respondent no.4, a co-ordinate Bench vide order dated 24.01.2023, passed the following directions:-

“1. The elder son i.e Ashvanjot Singh is studying in Class-7 and will be staying in residential school Durga Public School, Solan for the session 2023-24. His classes will start with effect from 7th March 2023. So, till, 6th March 2023, the petitioner Simranpreet Kaur is free to make audio or video call to Ashvanjot Singh between 05:00 P.M to 06:00 P.M on phone No.93505-15901 for 20 minutes everyday.

2. Simranpreet Kaur is permitted to talk to Master Ashvanjot Singh on the phone number of the school between 08:30 P.M to 09:30 P.M on every Monday after 7th March 2023. She can talk for 3 or 4 minutes on these Mondays. The petitioner is free to visit master Ashvanjot Singh in the campus of Durga Public School, Solan with the prior permission of the school authorities. The Management/Principal of the Durga Public School, Solan is requested to accommodate the petitioner in this regard.

3. The respondent No.4 Saravjeet Singh is permitted to make audio/video call to Manveerjot Singh, another son, who is staying in Australia with the petitioner between 05:00 P.M to 06:00 P.M for 20 minutes everyday on phone No. +61466844594.

4. The concerned authorities/Management/Principal of Durga Public School, Solan is requested to permit respondent No.4, Saravjeet Singh to talk to master Ashvanjot Singh between 08:00 PM to 09:30 PM for 3-4 minutes on Mondays after 07.03.2023. Both the parties are at liberty to avail their alternative remedies regarding custody, visitation rights and other related issues before the Family Court in accordance with law. Both the parties shall be bound by their respective statements as the counsel have stated that they had the instructions with regard to statement made in the Court. In these observations, the petition stands disposed of”

4. What propelled the petitioner to file the instant petition is that respondent no.4, has changed the school of their son, (alleged detinue Ashvanjot Singh), because of which the petitioner could not contact with him, and the phone number which was supplied to the present petitioner for the purpose of making video-audio call Ashvanjot Singh, was not replied to.

5. A perusal of the case file reveals that vide order dated 25.01.2024, the matter was also sent to the Mediation and Conciliation Centre of this Court, which did not yield any fruit.

6. On the last of hearing, i.e. 05.04.2024, parties were directed to be present in the Court in person.

7. Today, respondent no.4 alongwith the alleged detenue (his son-Ashvanjot Singh), has caused appearance before this Court. Learned counsel for respondent no.4, on instructions, submits that for the welfare of his son, school has been changed, and now he is studying in DAV School at Ratia.

8. He further submits that respondent no.4, has never created any hindrance nor stopped the petitioner to make any call to her son.

9. He further submits that respondent no.4, is ready and willing to comply with all the directions issued vide order (*supra*).

10. In view of the specific stand taken by respondent no.4, this Court does not feel apt at this stage, to issue any new directions in this matter. However, respondent no.4 shall remain bound to adhere to the undertaking given before this Court vide order dated 24.01.2023.

11. It is made clear that in case respondent no.4, in future, cause any hindrance by not allowing the petitioner to make call or does not comply with the direction as issued vide order order dated 24.01.2023, same would be construed as interference in the administration of justice.

12. No further order is required to be passed by this Court.

13. Disposed of accordingly.

May 07, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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