

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

315

CRWP-6338-2024
Date of Decision: 10.07.2024

Kailash Kaur

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldeep Singh, Advocate for the petitioner.

 Mr. Gurpartap S. Bhullar, AAG, Punjab.

 Mr. Paras Jhamb, Advocate
 for respondents No.4 to 8.

ANOOP CHITKARA J. (ORAL)

1. The present petition has been filed to issue a writ like Habeas Corpus directing the official respondents to release the detenue-minor son of the petitioner and hand over the custody to her, being her mother.
2. On the last hearing date, counsel for respondents No.4 to 8 raised objection about capability of the petitioner and then this Court directed the investigator to apprise this Court about ground reality about capability of the petitioner to bring up the child.
3. Pursuant to the order dated 08.07.2024, petitioner is present in person and so is respondent No.4 with minor child and the parties have arrived at a temporary arrangement. As such, without adjudicating on the merits, a consent order is being passed.
4. Respondent No.4 shall hand over the child’s custody to the petitioner today i.e. 11.07.2024. During visit of respondent No.4, the petitioner shall be decent, respectful towards him and would neither mis-behave nor in any manner offend him either through body language, gesture or ill treatment. Respondent No.4 is also requested to reciprocate in the similar manner. After handing over the child’s custody, it shall be permissible for the respondent No.4 and his close family members to take the child every Sunday at 10 A.M. and return back the child on same day before 4.00 P.M.

**CRWP-6338-2024**

--2--

Whenever the respondent No.4 and his family member will come on Sunday to pick up the child, petitioner shall be extremely decent, respectful towards the respondent No.4 and would neither mis-behave nor in any manner offend him either through body language, gesture or ill treatment. In case, respondent No.4 brings any gift for the petitioner and the child, petitioner will not say no and accept the same with utmost decency and regards.

5. Since the petitioner is the biological mother of the child, this Court is not commenting anything on the apprehensions of respondent, however they are at liberty to bring such apprehension to the notice of this Court in case they find something fishy during interactions with the child.

6. From 11.07.2024, the custody of the child shall be with the petitioner and petitioner shall return the child to respondent No.4 on 31.08.2024 after 10.00 A.M. In case for any reason, respondent No.4 or his family members are unable to visit, the custody of the child shall be handed over to them as and when they approach after 31.08.2024. Similarly, when the child's custody is handed over to respondent No.4, petitioner is permitted to visit him and respondent No.4 and his family shall be extremely decent, respectful towards the petitioner and would neither mis-behave nor in any manner offend her either through body language, gesture or ill treatment and in case she brings any gift, the respondent No.4 will not say no and accept the same with utmost decency and regards.

7. In between, the petitioner may file an appropriate application for custody of child under Guardians and Wards Act or any provision of law for appropriate orders from the court of competent jurisdiction. It is clarified that even if any order is passed, the concerned Court shall not interfere in the interim custody till 20.10.2024. The order regarding custody of the child if any passed under Guardian and Wards Act shall only come in force 20.10.2024 onwards. The order has been dictated in open court in the presence of counsel for the parties who have no objection to the same.

8. The Family Court is requested to decide the application, if any filed by the petitioner, for interim custody of child positively before 20.10.2024 so that the child is not put to any inconvenience.

9. This order shall eclipse on 20.10.2024.

CRWP-6338-2024

--3--

10. There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy.

11. **Petition is allowed** to the extent mentioned above. All pending applications, if any, stand disposed.

10.07.2024
anju rani

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No