



CRWP-7543-2023

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**246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRWP-7543-2023
Decided on : 12.09.2024

Jagdish Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. G.S.Sidhu, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. P.S.Sekhon, Advocate with
Ms. Nidhi, Advocate for respondents No.4 to 6.

Manjari Nehru Kaul, J.(Oral)

This is the petition filed by the petitioner under Article 226/227 of the Constitution of India r/w Section 482 Cr.PC for issuance of writ in the nature of Habeas Corpus for releasing the detainee namely Jashandeep Singh from the illegal custody of respondents No.4 to 6.

2. In compliance with the order dated 03.09.2024, the alleged detainee/child appeared before this Court today. This Court engaged in an interaction with the child in the Chambers, with both learned counsel for the parties present, as well as the petitioner, who is the father of the child, and respondent No.4 – Charanjit Kaur @



Rani, the child's paternal aunt, under whose care the child has been living since the tragic passing away of his mother, who is said to have died by suicide. The child, who is currently studying in Class IV, in one of the good schools of his village, appeared to be at ease, displaying contentment and happiness in the care of respondent No.4, with whom he has been residing for a considerable period of time ever since he was about three years old.

3. During the interaction, when the child was gently probed about his preferences, he expressed his clear willingness to meet his father, i.e. the petitioner. However, the child indicated a preference that such meetings take place at the residence of his paternal aunt, respondent No.4, and suggested that these visits be held on weekends or on any other day that suits the convenience of his father i.e. the petitioner.

4. The petitioner-father, in turn, submitted that despite his efforts to meet his child, numerous obstacles have been put in his way by respondent No.4 and her family. He asserted that these obstacles often included threats to report him to the police, which made it difficult for him to maintain a consistent and healthy relationship with his son.

5. Respondent No.4, however, denied these claims, providing this Court with a categorical assurance that no such hindrances would be created during the visit of the petitioner to her



home. She further expressed that she would be more than happy to facilitate regular interactions between the petitioner and his son, as she, too, wished for the child to grow up with the love, guidance and affection of his father, who is the only surviving parent following the unfortunate demise of child's mother when he was just an infant. At the same time, respondent No.4 conveyed a genuine concern that the petitioner might create an unpleasant or hostile atmosphere during his visits to her home to meet the child. She expressed her apprehension that should any untoward incident occur during the petitioner's visit at her residence, she would have no choice but to seek the assistance of the local police to ensure the safety and well-being of everyone involved.

6. After a lengthy session of counselling and persuasion by this Court, as well as the diligent efforts of the learned counsel for both the parties, an amicable resolution has been reached. The petitioner and respondent No.4 have mutually agreed to set aside their past disputes and personal differences for the greater good of the child. It has been unequivocally assured that a harmonious and peaceful environment will be maintained at the residence of respondent No.4 during the visits of the petitioner, and both parties have committed to ensuring that any previous grievances will not be allowed to resurface or disrupt the petitioner's future interactions with his son.



7. This Court, after reflecting upon the submissions of both parties, wishes to emphasize that the welfare and best interests of the minor child must remain the foremost priority. There can be no manner of doubt that frequent and cordial meetings between the child and his father i.e. the petitioner, would foster a positive and nurturing impact on the child's emotional, psychological and social development. The well-being of the child is intricately tied to the loving presence and support of both his father and his paternal aunt, who has played a pivotal role in his upbringing after he lost his mother during his infancy.

8. By setting aside their past differences and embracing a spirit of reconciliation, the petitioner and respondent No.4 will not only create more supportive and loving environment for the child but will also ensure that he grows up with the guidance, love and care of both his father and his extended family.

9. The renewed bond between the petitioner and respondent No.4, founded on the shared commitment to the future of the child, will undoubtedly bring about a profound positive change in the life of the child. Such an environment, free of discord and filled with love, will allow the child to thrive, both academically and emotionally, and will ensure that his path to a bright and fulfilling future remains unhindered by the conflicts of the past.

10. This Court hopes that the spirit of cooperation and mutual



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respect will continue, providing the child with the s0table and harmonious upbringing that every child deserves.

11. As a sequel to the above and in view of the settlement arrived at between the parties, the present petition stands disposed of.

12.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No