



CRWP-7258-2024 #1#

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRWP-7258-2024**Date of Decision:-30.07.2024****Shashi Mahant.**

.....Petitioner.

Vs.

State of Haryana & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Bhavdeep Singh Mamli, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this criminal writ petition under Article 226 of the Constitution of India is for issuance of writ in the nature of Habeas Corpus directing the respondents to release the detenue-Pratiksha and to handover her custody to the petitioner.

2. The Counsel for the petitioner contends that petitioner is a Mahant and running a Dera of Kinner Samaj for the last 30 years. Gurpreet Singh, respondent no.6 father of the petitioner along with his wife gave their daughter Pratiksha in adoption to the petitioner vide affidavit dated 09.04.2022 (Annexure P-1). The petitioner had been looking after the child as her own which was evident from a ration card of the petitioner. In fact a ceremony had also been conducted regarding the adoption on 20.03.22. However, Neelam-respondent no.5 the mother of the child had taken away the child from the Dera in the absence of the petitioner. Thereafter as the mother had refused to look after the child she had been placed in the custody of Narinder Monga, Chairman of Child Welfare Committee (respondent no.4

& 5). The petitioner had moved a representation to the DC regarding the taking away of the Child (Annexure P-6) but no action had been taken by the officials respondents in returning the child to the custody of the petitioner. Therefore, the instant Habeas Corpus petition had been filed.

3. I have heard the learned counsel for the petitioner and examined the record.

4. Admittedly, the child is of the age of 2-1/2 years. The petitioner is not a blood relation of the child. It has not been made clear as to under which circumstances if at all the child had been placed in the care of the petitioner when her parents were alive. Therefore, at this stage, the best interest of the child is that she remains in the custody of the respondent nos.4 & 5 as has been set out in the instant petition subject to the right of her parents i.e. respondent nos.6 & 7. Therefore, the present petition stands dismissed.

5. However, the petitioner is free to avail her remedies in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

July 30, 2024
Vinay

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