

2024:PHHC:105340



CRWP-7366-2024

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

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**CRWP No. 7366 of 2024
Date of Decision: 14.08.2024**

Shivani

.....Petitioner

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate and
Mr. Nitin Chaudhary, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Manjit Singh Gahlawat, Advocate
for respondent No.5.

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/infant son of the petitioner and hand over the custody to her, being her mother.
2. Reply dated 13.08.2024 on behalf of State and also reply dated 08.08.2024 on behalf of respondent No.5 have been filed in Court today and the same are taken on record. A copy thereof have been supplied to counsel for the petitioner.
3. Counsel appearing for father of the detenue-child submits that considering the delicate condition of the child, he be permitted to get medical examination of the child and if the child is admitted in the hospital, he be permitted to stay with the child throughout the tenure of admission/ treatment of the child.
4. Prayer is accepted.



5. Petitioner is present in person and so is respondent No.5 and the parties have arrived at a temporary arrangement. As such, without adjudicating on the merits, a consent order is being passed.

6. Respondent No.5 shall hand over the child's custody to the petitioner today i.e. 14.08.2024 and shall remain with the petitioner for first 50 days. During visit of respondent No.5, 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.5 is also requested to reciprocate in the similar manner. Respondent No.5 is permitted to visit the petitioner on every Saturday and the petitioner shall hand over custody of the child to respondent No.5 at 9 AM and he shall hand over child to the petitioner at 6.00 PM at her residence. This arrangement is to enable the respondent to get his child medically examined and meet him. Whenever the respondent No.5 and his family member will come on Saturday to pick up the child, petitioner shall be extremely decent, respectful towards the respondent No.5 and would neither mis-behave nor in any manner offend him either through body language, gesture or ill treatment. In case, respondent No.5 brings any gift for the petitioner and the child, petitioner will not say no and accept the same with utmost decency and regards. Petitioner shall handover custody of child on 05.10.2024 to respondent No.5.

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 25.11.2024. The order regarding custody of the child if any passed under Guardian and Wards Act shall only come in force 25.11.2024 onwards. The arrangement is made only because 50 days custody is given to respondent No.5 also in case, any adverse order is passed. The order has been dictated in open court in the presence of counsel for the parties who have no objection to the same.

8. This order shall eclipse on 25.11.2024.

9. 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.



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

(ANOOP CHITKARA)
JUDGE

14.08.2024
Sonia puri

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