

2024:PHHC:098117



114+230.

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

CRWP-9569-2023 (O&M)

Date of decision: 31.07.2024

Satinder Singh Bisht

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gurinder Singh Dhillon, Advocate, for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Ms. Deepika, Advocate, for respondent No.2.

GURBIR SINGH, J.

1. Present criminal writ petition has been filed under Articles 226 & 227 of the Constitution of India read with Section 482 of Cr.P.C. for issuance of a writ in the nature of Habeas Corpus directing the official respondents to ensure the return of Nisthaa Bisht (minor, about 4 years of age) daughter of the petitioner, to the petitioner, as she has been illegally taken away from the custody of the petitioner with a promise that she would be returned but custody of the minor has been handed over to respondents No.3 to 5 by respondent No.2, who are not allowing the petitioner to communicate with the minor child.

2. It is further submitted that petitioner married respondent No.2 in the year 2018 and out of said wedlock, Nisthaa Bisht born to them on

09.08.2019. Respondent No.3 is father-in-law of the petitioner, respondent No.4 is brother-in-law and respondent No.5 is mother-in-law. Ever since 24.07.2023, petitioner is being prevented by respondent No.2 to have any communication with the minor child. In fact, respondent No.2 has left the minor child with respondents No.3 to 5 and had opted to join some job and minor child is in the custody of respondents No.3 to 5.

3. Learned counsel for the petitioner, after arguing for some time, submits that the petitioner would be satisfied if he be allowed to have communication with the minor through video call daily for some time and as regard custody of the minor, he will avail appropriate remedy under the Guardian and Wards Act.

4. Learned counsel for respondent No.2, on instructions, submits that respondent No.2 has no objection for allowing the petitioner to have conversation with the minor through video call. The minor child is stated to be residing at Bengaluru (Karnataka).

5. Keeping in view the facts of the case and the fact that father also plays an important role in the growth of a child and in view of the proposal made by the petitioner to this petition and accepted by respondent No.2, respondents No.2 to 5 shall allow the petitioner to have conversation with the minor child for 15 minutes daily between 08:00 PM to 09:00 PM on the video call.

6. This order shall not be relied by any party in any proceedings relating to their divorce or the custody of the child and all the pending

litigation/proceedings shall continue in accordance with law. This order itself is only an arrangement till the petition for custody of the child is decided by the court of competent jurisdiction or petition regarding temporary custody of minor or visitation rights are decided by the competent court.

7. With the aforesaid direction, present petition is disposed of.
8. Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

July 31, 2024
sanjeev

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