

2024:PHHC:125117



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-9042-2024 (O&M)
Date of Decision:- 20.09.2024

Shri Sushant Sharma Petitioner

Versus

U.T. Chandigarh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akshay Bhan, Senior Advocate with
M/s Sanjay Vasihstha, Rahul Deswal and H.P.S.Sandhu,
Advocates, for the petitioner.

Mr. Vipin Pal Yadav, APP, U.T. Chandigarh,
assisted by ASI Surender Singh.

Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate,
for respondent No.3.

Mr. Gaurav Patwalia, Advocate with
Mr. Rahil Mahajan, Advocate, for respondent No.4.

GURVINDER SINGH GILL, J.

1. Petitioner-Shri Sushant Sharma, stated to a Swiss National has filed
the instant petition through his attorney Sunil Kumar, seeking release



of his son Madhav Sharma aged 18 years who is stated to be illegally confined by respondent No.3-Ms. Kalindi Harnal in his own house.

2. It is averred in the petition that petitioner is a Swiss national and a business professional with having educational background from University of St. Gallen, Harvard and Oxford. He had solemnized marriage with Dr. Malavika Goswamy who had been residing in Switzerland, in the year 1997 and son Madhav Sharma was born out of the wedlock who is also a Swiss citizen. Madhav Sharma however, is stated to be suffering from 'Cerebral Palsy' since birth and had been treated in Switzerland and is currently under treatment in PGI, Chandigarh and his disability has been assessed as 90% though non-progressive in nature.
3. It is averred that marriage of the petitioner with Dr. Malavika Goswamy was however, dissolved by decree of divorce by a Swiss Family Court on 02.10.2014 and as per which the petitioner was given joint custody of the minor along with his ex-wife Dr. Malavika Goswamy by the Swiss Family Court and as per the decree he had been paying maintenance to his wife and also to his son regularly apart from the one time alimony. Petitioner asserts that he has however, been visiting his son in Chandigarh every year except during Covid period and had lastly visited in April, 2024. It is averred that Madhav Sharma had been residing in House No.171,



Sector 19-A, Chandigarh with petitioner's ex wife Dr. Malavika Goswamy. The said house was in the name of Dr. Malavika Goswam.

4. It is averred that petitioner's former wife Dr. Malavika Goswamy had inherited estate of her brother Dr. Apurva Goswamy by way of registered WILL dated 21.3.2023. Said Dr. Apurva Goswamy had separately created a trust for welfare of his daughter Damini and had also given her a flat in Chandigarh and had also ensured arrangement of sufficient funds for his daughter though, she had otherwise been excluded from inheriting remaining of his assets.
5. Petitioner's wife Dr. Malavika Goswamy however, expired on 20.3.2024 and the entire property devolved on Madhav Sharma.
6. The petitioner asserts that after death of Dr. Malavika Goswamy i.e. petitioner's ex-wife, Ms. Damini daughter of Dr. Apurva Goswamy had been trying to take control of the estate of late Dr. Apurva Goswamy which had been inherited by Dr. Malavika Goswamy and had now devolved upon Madhav Sharma. When the petitioner came to India after death of his ex-wife on 23.3.2024 so as to take custody of his son, then respondent No.3-Kalindi Harnal who is aunt (*Masi*) of petitioner's ex-wife refused to hand over custody of Madhav's Passport and OCI Card and was seen in complete control of the house and the business. Although the petitioner thought that said Ms. Kalindi Harnal was doing everything with genuine intention but later on realized that she had dubious motives to mis-appropriate finances



and estate of petitioner's ex-wife, now inherited by Madhav Sharma. It is further averred that Ms. Kalindi Harnal (respondent No.3) had been usurping movable properties including partnership stakes etc. of Dr. Malavika Goswamy and was having complete control over Dr. Malavika Goswamy's contribution to LLP amounting to Rs.29.95 crores.

7. The petitioner further asserts that since April, 2024 he had been trying to reach out to Madhav Sharma through WhatsApp to enquire about his health but the care-taking staff had not facilitated his communication with the petitioner's son till date and that he has serious apprehensions of about his well being.
8. Learned counsel for the petitioner submitted that neither the petitioner nor any of his authorized person is permitted to meet or speak to the detainee and that the petitioner is concerned about the well being of his son and also about his property which is being usurped and squandered away by respondents No.3 and 4. It has thus been submitted that the petitioner's son be got released from illegal custody of respondents No.3 and 4 and that interim custody be handed over to some guardian as may be appointed by this Court to ensure the welfare and well being of the detainee.
9. When the matter was taken up by this Court on 19.9.2024, this Court had directed two officers of this Court namely Mr. Munish Sharma, DAG, Haryana and Mr. Siddharth Attri, AAG, Punjab to visit the



premises where petitioner's son was alleged to be detained and to make a report. The relevant extract from order dated 19.9.2024 is reproduced herein under:

“Having considered the aforesaid submissions, this Court appoints Mr. Munish Sharma, DAG, Haryana and Mr. Sidharth Attri, AAG, Punjab, who are present in Court, as Local Commissioners to immediately visit the aforesaid premises and interact with the detainee so as to apprise this Court on the following aspects:

- (i) To make a general assessment as regards the physical and mental ability of the alleged detainee.
- (ii) Whether the detainee is in a position to know about his 'good' or 'bad'?
- (iii) To make a report, as to whether the detainee is being taken care of well.
- (iv) To make a report, as to whether the detainee seems to have been kept as a 'captive'?
- (v) Try to generally assess the opinion of the alleged detainee about his parents and also about respondents No.3 & 4 in case the detainee has no hesitation for the same and in case it is not embarrassing for anyone.
- (vi) To report about the security arrangements, if any, and ease of accessibility in the said house.
- (vii) To report about the number of attendants, if any, deputed with the alleged detainee.
- (viii) To report as to whether any trained medical attendant has been deputed or not.
- (ix) To report about any other observation/s, as may be made, which could be relevant.

It be ensured that when any conversation is made with the alleged detainee so as to elicit aforesaid information from him, there is nobody else present near him.



It be also ensured that no scene is created either in the house or in the neighbourhood.

Petitioner's counsel is at liberty to accompany the Local Commissioners during their visit. ”

10. Pursuant to order dated 19.9.2024, the two officers visited House No.171, Sector 19-A, Chandigarh on the same very day and have submitted their report. Although the report is slightly lengthy running into 14 pages, but is being reproduced as all the observations recorded therein would be relevant. A pen-drive containing video clip with regard to the proceedings conducted has also been furnished to this Court alongwith the report, which is taken on record. The report is reproduced herein under:

“That in compliance of order dated 19.09.2024 passed by this Hon'ble Court, the undersigned along with Sh. Rahul Deshpal Advocate, Counsel for the petitioner visited the house No.171, Sector -19A, Chandigarh on 19.02.2024 around 3.00PM and spent around 1.30 -2.00 hours while interacting with the alleged detainee namely Madhav Sharma and also other persons / attendants and servants present in the house. During the interaction, it was specifically asked to Madhav Sharma as to how as if he is comfortable in interacting alone to which he replied that he is comfortable but he has no hesitation if the caretaker namely Neena is present. Hence, to some part of time, he was interacted alone as well as for some time in the presence of Neena. Before adverting to the interaction as well as conversation part, it is quite relevant to give details of the person who are daily in touch with Madhav Sharma i.e. the persons who are constantly living with him in house for 24 hours, the persons who visit him and in blood relation who are part of his life and constantly in touch with him through phone and other media of communication etc. The details of persons are as follows:-



- a) Ms. Neena caste Bhathena is the main person presently living for 24 hours in the house since July, 2024, as being the main caretaker in the house. She oversees the entire affairs of the house including specifically with regard to Madhav Sharma. She is the person upon who Madhav Sharma believes and treats her like a motherly figure.

RELATIVES AND VISITORS:

- b) Ms. Kalindi Harnal (Respondent No.3 here in the petition). She is the maternal Grand-mother's sister (main blood relative to Madhav Sharma at present). After the demise of the mother and grand parent of Madhav Sharma, in April 2024, she starts living with the Madhav Sharma. However, since June, 2024 she comes twice a month to meet Madhav and also talks with him on phone.
- c) Ms. Nona (She is the real sister of Madhav's maternal grandmother as another blood relative). She lives in USA in Los Angeles and as per Madhav daily talks with him on video calling.
- d) Ms. Kaveri who is also cousin of Madhav's maternal grandmother and she also lives in USA and also talks with Madhav daily on video calling.
- e) Ms. Rubal who is coming since for the last 8 years as full time teacher of Madhav. She used to train and teach Madhav for the last 8 years till August, 2024, when Madhav joined his school name 'Sorem' at Sector -36, Chandigarh (A school for 'Cerebral Palsy' patients, as told by Madhav and Neena). Now, Ms. Rubal though is coming regularly but she spends 30-45 minutes daily with Madhav.
- f) Ms. Usha Bhatia who was also present in the House when we visited. She also come daily to visit Madhav and she was a disciple of the maternal grandfather of mother.



- g) Ms. Nandini Pathania who is the close friend of Madhav's mother. She comes everyday to meet Madhav and interacts with her.
- h) Ms. Damini who is respondent No.4 is the daughter of real Mama of Madhav and since July she has not seen by Madhav or talks to Madhav.
- i) Ms. Raj who is the elder aunt (bua) of Madhav. She is also not living with Madhav but lives in Panchkula and comes on every Saturday and Sunday, for seeing Madhav and his wellbeing.
- j) Ms. Prem who is the younger aunt (bua) of Madhav. She is also not living with Madhav and lives in Panchkula and visits Madhav on the same terms as Ms. Raj above.
- k) Mr. Gurwinder Singh who came on the later part of our visit. Madhav recognized him and as per Gurwinder Singh he was an old family friend since 14 years. He used to work with the deceased Mama ji of Madhav. He resides in House No.378, Sector -40, Chandigarh.

Attendants including cooks, helpers, security person and medical attendants.

- a) Mr. Kuldeep who was employed in January, 2024 and since then he is working as Attendant specifically to look after Madhav's personal needs. Kuldeep takes care of Madhav on routine tasks i.e. putting him on and off from the bed, helping him in his cleaning, bathing, in giving him medicines and diet at proper time. He works for 12 hours i.e. from 8.00 in the morning to 8.00 in the evening.
- b) Mr. Krishna who is also an Attendant and works on the same pattern as above Kuldeep. His duty starts from 8.00 in the evening to 8.00 in the morning.



- c) Mr. Mahadev who is cook in the house and prepares the food as per the need and diet plan of the Madhav.
- d) Mr. Ravinder who was earlier driver in the house and whose duty was to daily drive the vehicle with regard to the needs of Madhav and other attendants in the house but due to a mild paralysis stopped being working as Driver. However, now he regularly comes to the house and as per the lady Neena do odd jobs in the house.
- e) Mr. Sanjeev, who is a yoga teacher comes on alternate days three times in a week and teaches Madhav yogic exercises.
- f) Mr. Rajan who is a physiotherapist and comes on alternate days three times in a week. He helps Madhav in doing exercises through with the help of physiotherapy. At the last minutes of our visit he also came there.
- g) Mr. Deepak Rabha who is also a care taker / helper who do odd jobs in the house i.e. cleaning, washing the cloth etc. buying daily need items. He is in the house since, 2009.
- h) Then there was Ms. Shiv Ram, Gurcharan and Bansi. All these three persons are having multiple duties ranging from household chores i.e. kitchen works, dusting and cleaning of the house, daily repair work in the house. All these three persons were in the house since, Madhav was a kid, as told by them.
- i) Mr. Gursharan who is the new driver as employed on the recommendation of old driver namely Ravinder. He takes Madhav to school, doctor and all other places where Madhav wants to visit.
- j) Then there were two lady helpers in the house namely Ms. Pooja and Munni and as told by them, they are in the house from the childhood of Madhav. Munni was present in the



house when we were there. Both these ladies work for 12 hours each day on every day.

- k) Then there are four security persons i.e. Mr. Shamsheer Singh, Mr. Avtar Singh, Mr. Jaswinder Singh and Mr. Jarnail Singh. All these four persons work on alternative shifts. Their duty is to look after the security of the entire house and specifically with regard to Madhav. Their duty roster is attached herewith. The duty roster was provided to us by Mr. Gurwinder Singh. Apart from these above security guards, there was another private chowkidar / security person by the name of Anil who was present at the gate along with Mr. Avtar Singh.

Hence, these are the above persons who are the part of the Madhav's life.

Now, as per the guidelines ordered by this Hon'ble Court with regard to the interaction with Madhav, the same was compiled by the undersigned in the presence of Sh. Rahul Deswal , Advocate , Counsel for the petitioner. Inputs of the interaction with Madhav are as follows:-

As the undersigned along with counsel for the petitioner entered the house No.171, Sector-9A, Chandigarh, the security guard namely Anil apprised the caretaker namely Ms. Neena who came out and she was handed over the copy of the order passed by this Hon'ble Court and after reading the same she straightway on our asking took us to Madhav's rooms. Madhav was taking rest in his room on bed and an attendant namely Deepak Rabba was lying on floor alongside the bed. I along with Sh. Siddharth Attri and Sh. Rahul Deswal introduced myself to Madhav to which he very promptly acknowledged and also gave a handshake to me(Munish Sharma) . I asked him that we have come here just to see him and his well being and want to talk with him and to spend some quality time with him. To which he positively agreed in



a pleasant manner. Thereafter, I started having conversation with him. Though Ms. Neena was also sitting there because as per the wish of Madhav he was comfortable with Neena. However, after sometime I asked all the persons to close the door and as we all three wanted to have some time with him in idle. Inputs of the interaction with Madhav are as follows:-

Here the questions are being asked by the undersigned and answer is given by Madhav:-

Q. What is your name and your age?

Ans. My name is Madhav Sharma and I am 18 years of age.

Q. What is your daily routine?

Ans. In the morning I wake up and after doing my daily chors i.e. cleaning, bathing with the help of attendant I go to the school.

Q. Do you have friends in the school?

Ans. Yes, I have friends in school.

Q. What are the names of your friends?

Ans. Aryan, Krish and Arjun, and I play with them.

Q. What is name of your teacher in the school?

Ans. The name of my teacher is Madam Ritu.

Q. Do you watch T.V.?

Ans. Yes, I do watch T.V. and watch animal planet, games channel.

Q. Do you go to Yoga and excise programme?

Ans. Yes, I do exercise and yoga at my home with yoga teacher.

Q. Are you comfortable in your house living here?

Ans. Yes, I am comfortable and there is no problem in the house.

Q. Do the persons in the house including Neena Aunty take care of you?

Ans. Yes, they take care good of me.

Q. What food you are specially fond of?

Ans. I like daal and gobhi ki sabji.

Q. Do you like eating sweets and what type of sweets?

Ans. Yes, I like eating sweets and specially the burfi.



Q. In this house, where do you spend most of your time?

Ans. I spend most of my time here in my room.

Q. Do you spend your time also in other parts of this house?

Ans. Yes, I do.

Q. Do you go outside of the house?

Ans. Yes, the care taker takes me outside the park daily.

Q. Who helps you in taking meals?

Ans. I do myself with little bit of help from my caretaker.

Q. Do you like guests coming to your house and meeting you?

Ans. Yes, I like to talk with the guests whoever comes in home.

Q. Apart from yoga what exercise you do?

Ans. I go to swimming in Panchkula.

Q. Do you like your father?

Ans. Yes, I like my father.

Q. When you last met your father?

Ans. I met with my father when my dadu was alive.

Q. Do you spend time with your father?

Ans. Yes, he took me to a hotel and we had meals, dinner there.

Q. Do you know the number of your father?

Ans. No, I don't have any phone number of my father.

Q. If your father wants to talk to you, would you talk with him?

Ans. Yes, Of course, I am having no problem talking with him.

At this stage Sh. Rahul Deswal asked him if he is comfortable in case, his father wants to talk on video calling. To which he answered in affirmative and his father talked with him for a good on 10-15 minutes on Sh. Rahul Deswal's phone. We saw he was comfortable in talking to his father and on the asking of his father whether he would spend time with him or not, Madhav replied that he has no problem if his father wishes to visit him and spend time with him at his place (At House No.171, Sector -19A, Chandigarh).



Hence, this was the interaction with Madhav and in the entire interaction he speak in Hindi. Furthermore, we all three interacted with him on his asking when he was alone in the room. At that time we specifically put him the following questions:-

Q. Do you know what is good or bad thing if happens to you?

Ans. Yes, I know.

Q. Do the persons living with you in the house are good to you and taking care of you?

Ans. Yes, I have no problem with them and they are taking care good of mine.

During the course of talking with Madhav, he in a very present manner offered us tea and snacks. The reason we are mentioning in this report about this fact thus to show that he has a good presence of mind. Hence, after interacting with Madhav, we are hereby answering the aspects as ordered by the Hon'ble Court in the order dated 19.09.2024 as:

- i To make a general assessment as regards the physical and mental ability of the alleged detainue.

Assessment of undersigned:-

As far as physical ability of the Madhav is concerned, it is clear that he was having issues of mobilizing and doing daily chores of life which he needs help of the attendant and caretaker which are being provided to him in the house. That as far as mental ability of Madhav is concerned, it is clear from the time we have spent with Madhav that he is normal and quite agile and understands each and everything. Further, he understands to whom he is talking and about what he is talking. Though, yes there is a problem in his physical ability to talk but his senses are quite good.

- ii Whether the detainue is in a position to know about his good or bad?



Assessment:- That since we talked on a number of issues with him ranges from his daily routine and the persons living with him, he was normal about their behaviour with him. So he understands what is good or bad for him.

- iii To make a report as to whether the detainee is being taken care of well?

Assessment:- Yes, after interacting with Madhav and seeing the facility in the house and the manner in which he was responding us , it seems that he is being taken a good care.

- iv To make a report, as to whether the detainee seems to have been kept has ‘ captive’ ?

Assessment:- That since after interacting with Madhav, it seems that he is living a normal life specifically with regard to his behaviour, aspect as there seem to be no pressure upon him. Since in the home there is a small teaching room and also a gym for him along with the facilities provided to him. It seems that there is no captive issue with regard to his custody. Though, his life revolves around the person as mentioned in the earlier part of the report.

- v Try to generally assess the opinion of the alleged detainee about his parents and also about respondents No.3 and 4 in case the detainee has no hesitation for the same and in case it is not embarrassing for anyone?

That as far as his opinion with regard to respondent No. 3 and 4 is concerned as per his own version he usually talks with respondent No.3 and she also visits twice a month to him. As far as respondent No.4 is concerned , he did not talk much about her. As far as father is concerned he was positive about talking with him and has no issues with him if he spends time and meets with him in person.



- vi To report about the security arrangements, if any, and case of accessibility in the said house.

Assessment:-That as far as security is concerned there are five security persons who are keeping a vigil on the security on the house as well as Madhav and as per assessment he is quite secure there.

- vii To report about the number of attendants, if any, deputed with the alleged detainee.

Assessment:-As stated in the earlier part of our report with regard to attendants in the house. There are ample number of attendants in the house were taking different household tasks.

- viii To report as to whether any trained medical attendant has been deputed or Not?

Assessment:- As stated in the earlier part of our report with regard to the medical attendant, it is seen that there is one yoga instructor and physiotherapist who comes on alternate days for their sessions with Madhav and he is taken to medical doctor if needed.

- ix To report about any other observation/s, as may be made, which could be relevant.

Assessment:- After spending more than 1 ½ hour in the house with the detainee and an after we also after seeing the entire house and atmosphere in the house, it seems that everything was normal and one thing is there that the detainee is being living in the company of so many persons.

Hence, the above report kindly be taken on record.

Note: (i) A short in sight of interaction with Madhav was recorded in Video along with one photographs of all the persons in the house is attached herewith in a PAN drive for kind perusal of this Hon'ble Court.



Since the video and photograph was taken from the cell phone of Sh. Rahul Deswal, Advocate, one copy of the same is with him.

(ii) It is pertinent to mention here that an on spot report in the shape of notes was prepared by hand and was read over to caretaker Ms. Neena and also to Sh. Rahul Deswal, Advocate and after reading the same both put their signatures on it alongwith us and the same is attached with this report.

ON SPOT REPORT

19.9.2024

3:14 P.M., Madhav Sharma, sitting in front of us and talking with us, seems to be understanding every question of us.

Age of Madhav Sharma – 18 years.

School for Special Children – Soremm Sector 36, Chandigarh, from (Monday-Friday) 9:30 AM to 1:00 PM from 8th August, 2024.

Madhav have friends also in school, father talks with him in a while, on phone

He is having no problem in house, as per his answers, food is good/ He likes dal/Gobhi/also likes barfi

Care taker takes him outside in park

He watches T.V. sometimes (Animal, Planets, Games channel)

Can meet his father, he is having no issues to meet his father's

Yoga teacher and Physiotherapy teacher comes

Sanjiv Sir, Rajan Sir comes alternate days

Eats food sometimes with himself, but care taker gives him help with spoon

Madhav likes to talk with guest (who ever comes in hom),

Responding very well

Damini is daughter of real Mama

Madhav seems to happy, every one takes care of him

Madhav goes for swimming in Shivalik Country Club Sector:

Panchkula



He talked with his father, when his grandfather was alive and on asking Madhav specifically he replied that he is not having number of his father.

Bua (Raj Bua – elder aunt)

Pre – younger one

Comes on Sunday/Saturday, comes from Panchkula occasionally.

No one misbehaves with Madhav

(As per Madhav)

Ready to talk to father right now on phone

Security guards present at home (2 persons) (1 dog)

3 helpers (Shivram, Gurcharan, Bansi)

All have multiple duties, helps in kitchen

Gurcharan is old helper also drives car, Gurcharan is one of the old helper since Madhav was kid / Bansi is from childhood of Madhav.

Lady helper Munni / Pooja both are helpers.

Pooja will come in evening

Munni currently present in house (both are from childhood of Madhav)

Deepak Rabha since 2009, a care taker

Madhav talking with father one phone / Ready to meet father.”

11. Copy of the report was furnished to learned counsel for the petitioner.
A pendrive having record of proceedings is annexed therewith.
12. This Court went through the contents of the report.
13. Learned counsel having perused the report submitted that upon death of petitioner's ex-wife Dr. Malavika Goswamy i.e. mother of the alleged detainee, it is only the petitioner who can be said to be the guardian of his son, who is admittedly suffering from 'Cerebral Palsy' being disabled to the extent of 90% and that any other person



including respondents No.3 and 4 cannot be said to have a better right as regards the custody of Madhav Sharma. It has been submitted that since respondent No.3 and 4 do not have any consent or authorization from the petitioner and that the intentions of respondents No.3 and 4 are writ large and are only to usurp the property of Madhav Sharma who because of his disability is unable to look after the same in the absence of his father. Learned counsel submitted that some interim arrangements by way of appointing some guardian may be made by this Court so that interest of Madhav Sharma are not compromised in any manner.

14. This Court has considered the aforesaid submissions addressed before this Court.
15. A perusal of the report made by the Local Commissioners does not indicate in any manner, that the petitioner has been kept as a captive or that his interests are not being watched. The report indicates that although the petitioner does suffer from physical disabilities, but he is mentally quite alert and intelligent. He is being provided adequate care. There are attendants to cook food and to assist him in performing daily chores and a physiotherapist has also been deputed for him. There is a driver to take him to school. The detainee was found to be fairly intelligent and even has social etiquettes inasmuch he wished the Local Commissioner and after a shortwhile offered them tea, and answered all the questions which were put to him in a



straight and honest manner. He did not express any kind of bias against anybody and was willing to speak to his father. He did not complain about anybody's conduct.

16. The aforesaid circumstances and all the observations recorded in the report indicate that there is no such emergent situation requiring an intervention by this Court at this stage as regards the safety of Madhav Sharma. It will not be out of place to mention here that the respondent No.4 is stated to have already moved an appropriate application in terms of Section 14 of the "National Trust For The Welfare Of Persons With Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999" so as to seek appointment of a guardian. The petitioner being resident of Switzerland is stated to be visiting India every year. In his absence it was his ex-wife who had been taking care of petitioner's son. The ex-wife unfortunately expired in March, 2024. Petitioner has not visited India after April, 2024. As per learned counsel for the petitioner he is expected to visit India during next week. The report does not indicate any such circumstance warranting issuing of any special directions by this Court in exercise of power under Section 226 of the Constitution of India for appointment of interim guardian.
17. The scope of petition in the nature of Habeas Corpus being very limited, the petition deserves to be disposed off. However, the petitioner being father of Madhav Sharma certainly should not be



prevented from speaking to his son particularly when his son Madhav Sharma does not have objection for the same. As such, Ms. Neena who is stated to be presently taking care of Madhav Sharma is requested to arrange for video conversation through her WhatsApp No.92255-04736 or any other mode between the petitioner and his son Madhav Sharma, if conveniently possible on daily basis for about 10/15 minutes provided Madhav Sharma does not have any objection for the same. Such conversation can even be longer in case his son desires for the same.

18. In case the petitioner has an issue with regard to his guardianship rights, it shall be open to him to approach appropriate Courts including Family Courts wherein he may also move any application for issuing any kind of interim directions. Needless to mention, in case any such application is filed for grant of any interim direction/arrangement, the Court concerned where any such petition is filed shall dispose of the same expeditiously.
19. In case the petitioner has any apprehension as regards usurping of the property of his son, it shall be open to him to approach appropriate Civil Courts seeking issuance of injunction or any other directions as the petitioner may be advised in the matter. The issue regarding guardianship and issue regarding issuance of injunctions would require that evidence be led by the parties which can conveniently be recorded by family Courts/Civil Courts.



20. It is also expected that respondents No.3 and 4 who are distantly related to Madhav Sharma will not create any kind of hindrances for meeting of the petitioner with the son when he comes down to India particularly when his son does not have any objection for the same.
21. This Court places on record its appreciation for the services rendered by the two officers of this Court namely Mr. Munish Sharma, DAG, Haryana as well as Mr. Siddharth Attri, AAG, Punjab who had visited the house of alleged detainee and have recorded detailed observations meticulously on all the relevant aspects.
22. The petition stands disposed off with the aforesaid directions.

20.09.2024
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No