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

CRWP-9520-2024

Date of Decision: 01.10.2024

Rashim Rajpal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Anoop Verma, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The prayer in the present criminal writ petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of habeas corpus directing respondent Nos.2 and 3 to release the detinue (son of the petitioner) aged about 03 years from the illegal confinement of respondent Nos.4 and 6.

2. Notice of motion.

3. Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the State.

4. As per version of the petitioner, the child is in custody of mother since June, 2023 and pleadings in this regard are mentioned in para No.3(c) of the petition, which is reproduced as under:-

3(c). That after one year of their child's birth, respondent no. 4 again moved to Bangalore for a new job. Despite the Petitioner's father being hospitalized at the time, the Petitioner left his family behind and stayed in Bangalore for four months to ensure the

safety and well-being of his wife and child. Throughout this period, the Petitioner and his family observed that respondent no. 4 was short-tempered, stubborn, and prone to quarreling. In June 2023, respondent no. 4, without reasonable cause, moved back to her parental home in Delhi with the minor child. Whenever the Petitioner tried to visit his wife and son, respondents no. 5 and 6 harassed and misbehaved with him. Respondent no. 6, the mother-in-law, tortured and pressured the Petitioner, refusing to let his wife and son return to their home in Mohali.

5. When faced with this situation that it is not mentioned specifically in the petition from which place the child was taken away, learned counsel for the petitioner submits that the petitioner would be satisfied, if the representation dated 24.09.2024 (Annexure P-5) made by him to respondent No.2- Senior Superintendent of Police, District SAS Nagar, Mohali is directed to be decided expeditiously.
6. Without commenting upon the merits of the case, Senior Superintendent of Police, District SAS Nagar, Mohali is directed to decide the said representation of petitioner expeditiously but not later than one month.
7. Disposed of.

01.10.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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