



CRWP-9632-2024

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

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Date of Decision: 26.11.2024

Shibo Devi

.....Petitioner(s)

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Petitioner in person.

Respondent No.5 in person along with child.

Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Krishan Singh, 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 son of the petitioner and hand over the custody to her, being her mother.

2. Pursuant to the order dated 19.11.2024, petitioner is present in person and so is respondent No.5 with minor child and the parties have arrived at a temporary arrangement. As such, without adjudicating on the merits, a consent order is being passed.

3. Respondent No.5 shall hand over the child's custody to the petitioner today i.e. 26.11.2024. After handing over the child's custody, it shall be permissible for respondent No.5 and his close family members to take the child every Saturday for two hours any time between 10 AM to 5 PM. If they miss to meet the child on Saturday, they can meet on Sunday in between the same timings and return back the child on same day before 5.00 P.M. It is clarified that in case, they miss out both days of the week, the meeting rights shall not cummulative and shall not be extended in the next week. Whenever the respondent No.5 and his family member will come on Saturday or Sunday to pick up the

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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. In addition to the visiting rights, it shall be permissible for respondent No.5, grand parents of child and siblings of father of child, to make video call or audio call to the child every day from 5PM to 7PM. Petitioner shall attend such calls and will not interrupt in such calls. For this purpose, respondent No.5 shall provide mobile phone with requisite data recharge to the petitioner.

4. Since the petitioner is the biological mother of the child, this Court is not commenting anything on the apprehensions of respondent, however they are at liberty to bring such apprehension to the notice of this Court in case they find something fishy during interactions with the child.

5. From 26.11.2024, the custody of the child shall be with the petitioner and petitioner shall return the child to respondent No.5 on 16.01.2025 after 10.00 A.M. In case for any reason, respondent No.5 or his family members are unable to visit, the custody of the child shall be handed over to them as and when they approach upto 20.01.2025. Similarly, when the child's custody is handed over to respondent No.5, petitioner is permitted to visit him for 50 days on Saturday or Sunday as respondent No.5 is permitted for 50 days and respondent No.5 and his family shall be extremely decent, respectful towards the petitioner and would neither mis-behave nor in any manner offend her either through body language, gesture or ill treatment and in case she brings any gift, the respondent No.5 will not say no and accept the same with utmost decency and regards.

6. 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 04.03.2025. The order regarding custody of the child if any passed under Guardian and Wards Act shall only come in force 04.03.2025 onwards. The order has been dictated in open court in the presence of counsel for the parties who have no objection to the same.

7. The Family Court is requested to decide the application, if any filed by the petitioner, for interim custody of child positively before 04.03.2025 so that the child is

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not put to any inconvenience. It is clarified that if no decision is taken by the Family Court till 04.03.2025, custody of the child shall remain with father-respondent No.5.

8. This order shall eclipse on 04.03.2025.
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.

26.11.2024
anju rani

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No