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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 4059/2024 & CRL.M.A. 39121/2024**

**BALJINDER SINGH**

.....Petitioner

Through: Mr. Sangram Singh, Ms. Shruti Sharma, Ms. Tripta Sharma, Mr. Vikas Kumar & Mr. Brajesh Kumar, Advs. (M:9990785147)

versus

**STATE NCT OF DELHI & ORS.** .....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Aggarwal & Mr. Abhinav Kr. Arya, Advs. for State. Insp. Amit Kumar & SI Jaiveer, P.S. Palam Village.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE AMIT SHARMA**

**ORDER**

% **24.12.2024**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 39121/2024**

2. Allowed, subject to all just exceptions. Application is disposed of.

**W.P.(CRL) 4059/2024**

3. The present petition under Article 226 of the Constitution of India read with Section 482 CrPC and Section 528 BNSS, 2023 has been filed by the Petitioner-Shri Baljinder Singh seeking issuance of writ in the nature of *habeas corpus* for the production of his daughter and the grandson, who is six months old.

4. The background is that the Petitioner's daughter Mrs. 'A' and Mr. Ajay



Tomar/Respondent No. 2 were married on 20<sup>th</sup> January, 2022. This was the second marriage for both the husband/Respondent No. 2 and wife/daughter of the Petitioner. The wife-Mrs. 'A' had a daughter from her earlier marriage. The present couple was blessed with a son on 17<sup>th</sup> June, 2024.

5. The allegation is that the Petitioner's daughter is being ill-treated and is being forced to move in with the family of the husband/Respondent No. 2 to Agra. According to the Petitioner, being repeatedly taken to Agra, has adversely affected his Daughter's & the children's health. The Petitioner's case is that his daughter and both the grandchildren are being unlawfully confined by the son-in-law. Thus this petition has been filed seeking their production.

6. The Id. Standing Counsel for the State has filed a status report dated 24<sup>th</sup> December, 2024. The wife and husband/Respondent No. 2 both are present in Court.

7. Upon being queried, the wife states that she has been forced to separate herself from her second child born from the wedlock between Mrs. 'A' and the husband/Respondent No.2. She further stated that the husband/Respondent No.2 repeatedly forces her to move to Agra along with the children or threatens to move them separately to Agra. She is working in Cognizant Technologies, Noida. The husband/Respondent No. 2 is currently working in Genpact in Gurugram, Haryana.

8. She submits that she does not wish to give up her job and move to Agra and that she is willing to go to her father's place along with her children.

9. Considering this position and the fact that the son is only six months old and that he would need the care of the mother, this Court directs that the wife and both the children, *i.e.*, her daughter and son, would be free to go and



live with the Petitioner, in Palam Colony, Delhi at the Petitioner's residence.

10. The concerned IO shall escort the daughter of the Petitioner, Mrs. 'A', and his two grandchildren to the Petitioner's house.

11. The wife-Mrs. 'A', is permitted to retrieve her belongings, as well as those of her children, from her matrimonial home, *i.e.*, the residence of Respondent No. 2/husband, which may be needed by her.

12. The parties have expressed their wish to resolve their disputes by mediation.

13. Accordingly, the parties may appear before the Delhi High Court Mediation and Conciliation Centre on 9<sup>th</sup> January, 2025 at 3:00 P.M.

14. The petition is disposed of in the aforesaid terms.

15. A copy of this order be given *dasti* under the signature of Court Master.

16. Copy of the order be sent to the Secretary, Delhi High Court Mediation and Conciliation Centre for necessary information and compliance.

**PRATHIBA M. SINGH, J.**

**AMIT SHARMA, J.**

**DECEMBER 24, 2024/nk/Am**