



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

257**CRM-M-1131-2024****Date of decision: 10.01.2025**

Manjit Kaur

...Petitioner

V/s

State of Punjab and Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Riffi Birla, Advocate,
for the petitioner.

Mr.Shiva Khurmi, AAG, Punjab.

Mr.Vinay Bajaj, Advocate for respondent No.5.

Mr.Ashit Malik, Advocate for respondent No.6.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner has approached this Court seeking issuance of directions to respondents No.2 to 4 for the release of a minor child aged 02 years, allegedly in the illegal custody of private respondents No.5 to 7, and to hand over the custody of the child to her, claiming to be the biological mother.

2. At the time of issuing notice of motion, this Court had taken note of the following submissions made by learned counsel for the petitioner:-

*“Learned counsel for the petitioner, inter alia, contends
that following some matrimonial dispute between the*



petitioner and her husband, on account of her precarious financial condition, she handed over the custody of her 2 year old child to respondent No.5-Indu. She submits that subsequently when she tried to locate her son, she learnt that her son had instead been sold by respondent No.5 to respondent No.7-Raj.”

3. In compliance of this Court’s order dated 11.01.2024, affidavit of Mr.Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur has been filed in Court on behalf of respondents No.1 to 4-State, which is taken on record subject to all just exceptions.

4. Mr.Vinay Bajaj, Advocate and Mr. Ashit Malik, Advocate have put in appearance on behalf of respondents No.5 & 6, respectively and filed their *Vakalatnamas* and the same are taken on record.

5. Learned State counsel assisted by learned counsel for the private respondents, has submitted that a representation dated 13.06.2023 (Annexure P-1) was received from the petitioner. Pursuant thereto, an enquiry was conducted under the supervision of the SHO, Police Station City Ferozepur. During the enquiry, statements of the petitioner and the private respondents were recorded.

6. Learned counsel for respondent No.5 has produced photocopy of a document claiming the adoption of the minor child. The investigation revealed that the petitioner was married to one Harjinderpal, with whom she has two children. Due to her husband’s unemployment, the family faced severe financial hardship. Consequently, the petitioner in the presence and with the consent of her husband voluntarily handed over her new born minor child to respondent No.5-Indubala for adoption. Learned



counsel for the respondents have further submitted that at the time of adoption, the adoptive parents provided a sum of Rs.5,50,000/- to petitioner and her husband. On 29.12.2021, when the petitioner delivered the child, the private respondents along with petitioner's husband and other relatives were present. The petitioner also executed an affidavit consenting to the adoption and it was only thereafter that the child was handed over to Sarabjit Kaur in the presence of these individuals.

7. It has been asserted by learned counsel for the respondents that the adoption was carried out with the free will and consent of the petitioner and her husband. Apart from the bold allegations of the petitioner, no independent witness was produced by the petitioner during enquiry to substantiate her claim of illegal custody or trafficking.

8. It has also been submitted that the child who is deaf and mute is receiving medical treatment at various hospitals; the petitioner is attempting to exert pressure to extract additional monetary benefits.

9. I have heard learned counsel for the parties and perused the relevant material placed on record.

10. Having considered the averments made in the affidavit filed by the State and the submissions advanced by learned counsel for the parties, this Court finds no substantive ground to issue directions as prayed for, by the petitioner. The evidence on record suggests that the adoption was conducted with the consent of the petitioner, and no credible evidence has been presented before this Court with respect to the alleged illegal custody.

11. In view of the above, the instant petition is hereby dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case

January 10, 2025

poonam

(MANJARI NEHRU KAUL)
JUDGE

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