

2025:PHHC:107443-DB

LPA-1199-2025 (O&M)
Date of Decision: 19.08.2025

Surabhi Bhasin

...Appellant

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Akshit Pathania, Advocate for the appellant.

Mr. Maninder Singh, Addl. AG, Punjab.

Mr. Bhawesh Chaudhary, Advocate for respondents No.4 and 5.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Bench, dismissing the *habeas corpus* filed by the appellant in view of the admitted fact that custody proceedings were otherwise pending before the Jurisdictional Court, where such relief could be claimed.

2. Learned counsel for the appellant submits that the child is less than five years of age and mother being the natural guardian is supposed to be having the custody of the minor child

3. Learned counsel for the private respondents contends that the custody proceedings are pending before the Court concerned and in the event any application for visitation rights or interim relief is filed by the appellant before the Court concerned, the respondents will not seek any adjournment, so that the issue is appropriately examined by the competent Court.

4. Considering the fact that the child otherwise is living with the father for the last 1½ years and custody proceedings are pending before the Court concerned, we refrain from exercising our extra ordinary jurisdiction under Article 226 of the Constitution of India in the present letters patent appeal. However, the child being less than five years of age and in view of the statement made at the bar on behalf of counsel for the appellant that the mother has not been allowed to interact with the child for the last more than one year, we deem it appropriate to provide that if the appellant files an application for interim relief including visitation rights etc. before the Court concerned i.e. Principal Judge, Family Court, Kapurthala along with a copy of this order, the concerned Court shall accord consideration to such application either on the next date fixed before it or immediately thereafter, without granting any unnecessary adjournment to the opposite party.

5. Subject to the aforesaid observations, the instant appeal is disposed of.

6. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

19.08.2025
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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No