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

LPA-1660-2025 (O&M)

Date of Decision: 19th August, 2025

RAHUL

.....Appellant(s)

V/s.

STATE OF HARYANA AND OTHERS

.....Respondent(s)

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

Present Mr. Mohan Singh Chauhan, Advocate,
 for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Bench on 30.04.2025 refusing to issue a writ of Habeas Corpus on the Writ Petition filed by the appellant-father.

2. The custody of child is the subject matter of the alleged contention who is 4½ years of age. The child was with his mother, who was living with her parents since then. The child consequently is now with her maternal grandparents. Maternal uncle and aunt of the child are also living in the same house.

3. Learned Single Judge has associated the child counsellor to enquire about the wellbeing of the child which is of paramount consideration. In Para 7 of the impugned order, learned Single Bench has observed as under:-

“7. In view of the conclusion drawn from the report submitted by the Child counsellor, it would not be in the interest of justice and welfare of the child to disrupt the status quo of the child since it could traumatize him, which would not be in his best interest. Moreover, the maternal grandparents of the child are

looking after the fundamental needs of the child and he is content in their company. Therefore, this Court is of the view that it cannot not be stated that the child is in illegal custody of his maternal grandparents although the father claims to be his natural guardian.”

4. Having heard learned counsel for the appellant and on perusal of the materials on record, we are of the view that the issue of guardianship of the child in question, can more appropriately be examined by the concerned competent Court.

5. In such view of the matter, we refuse to interfere with the impugned judgement of the learned Single Bench and the appeal is dismissed accordingly.

6. All pending applications in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

August 19, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>