



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

217

CRWP-11043-2025

Date of Decision : **November 14, 2025**

BABANPREET KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present : Mr. Manpreet Singh, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Amit Ghai, Advocate for respondent No.4.

JASJIT SINGH BEDI, J. (Oral)

1. The prayer in the present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of habeas corpus directing the official respondents to release the detenue, namely, Master Birsultan Singh Gill, aged 4 years and 9 months, minor son of the petitioner from the illegal custody of respondent No.4, the paternal grand mother and hand over the custody to the petitioner.

2. As per the record, the minor child was taken away by Hardeep Kaur Gill, grand mother in March 2024 from New Zealand and brought back to India. On coming back to India, Hardeep Kaur Gill instituted a petition under Section 8/10 of the Guardianship and Wards Act for the appointment of a natural legal guardian of the minor child in which the petitioner was respondent No.3. On the filing of the aforementioned petition, the petitioner

herself moved an application under Section 12 of the Guardianship and Wards Act for temporary custody of the minor child. The main suit is pending adjudication before the Courts at Moga. However, no reply has been filed by the respondents to the application for temporary custody filed by the petitioner.

3. In view of the pendency of the aforementioned proceedings before the Courts at Moga, the present petition is disposed of with a direction to the Judge, Family Court, Moga to decide the application for temporary custody within a period of four weeks from the date of receipt of certified copy of this order and the final suit within a period of eight weeks from the next date of hearing fixed before it.

November 14, 2025

ajaysharma

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No