



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRWP-12859-2025 (O&M)
Date of Decision:- 02.12.2025

Parminder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Bhupinder Banga, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

The present petition filed under Article 226 of Constitution of India for issuance of a writ in the nature of *Habeas Corpus* for recovery of detainee (minor son of the petitioner) from the illegal custody of respondent No.4 and to return him to the petitioner being natural guardian.

2. Learned counsel for the petitioner contended that detainee i.e. child of the petitioner is in illegal custody of respondent No.4. In this regard, an FIR has been registered and investigation has been completed, however, the detainee has not been recovered yet.

3. Notice of motion.

4. Mr. Anup Singh, AAG, Punjab, puts in appearance as advance copy of petition had been served to respondent-State.

5. Mr. Manjinder Singh Saini, Advocate has put in appearance on behalf of respondent No.4 and has filed memorandum of appearance, which is taken on record. He submitted that the petitioner has not approached this Court with clean hands as the detainee was given in adoption by the petitioner in July, 2022 and since then, he was in safe custody of respondent No.4.



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Respondent No.4 is looking after the detenue and also taking care of the child. In the FIR lodged by the petitioner, all the accused have been granted concession of anticipatory bail by the learned Addl. Sessions Judge. He contended that a civil suit for declaration of respondent No.4 as adopted father of detenue was filed and FIR has been lodged after filing of such civil suit. Even a guardianship petition under Guardianship Act is pending wherein they appeared and now the case is fixed for filing reply, however, they have concealed all these facts.

6. Learned State counsel on instructions from ASI Suresh submits that the investigating officer has visited the house of respondent No.4 and the detenue child is in safe custody of respondent No.4 and they are taking care of the child.

7. Heard.

8. Keeping in view the contentions of learned counsel for the parties, as the petition for custody of the child is pending before the Competent Court; the petitioner has already appeared; as the petitioner remained silent for three years regarding alleged detention of minor child, and suddenly he woke up, and approached this Court, hence, the present petition is devoid of merits and is dismissed. However, the petitioner is directed to exhaust his legal remedies available with her, in accordance with law.

9. Pending miscellaneous application(s), if any, stands disposed of accordingly.

02.12.2025
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No