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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1317/2025**

BABITA BISHT

.....Petitioner

Through: **Mr.Yogesh kumar & Saurav Sharma,**
Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: **Mr. Akash verma, Sr Standing**
Counsel for CBIC along with Ms
Aanchal Uppal, Adv. for R-1,3,4
Mr Vivek Sharma SPC, Ms Prerna
Singh Advocate Insp Surender Kumar
Mr. Sumit K Batra, Advocate for R-
2,5,6
Mr. Harpreet Singh, Senior Standing
Counsel along with Ms. Suhani
Mathur, Mr. Jai Ahuja and Mr.
Akshay Saxena, Advs. for R-4

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

% **25.04.2025**

CM APPL. 12406/2025 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 1317/2025

1. The present Writ Petition has been filed by the Petitioner for production and release of two minor children, who are the nephews of the Petitioner herein. It is stated that the Petitioner is the aunt of the children. It

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is the case of the Petitioner that the father of the children has killed their mother and the children have been kept in illegal detention at the residence of their father.

2. The facts of the case reveal that the dead body of the mother of the children was found in a *nala* at Najafgarh and the father of the children has been accused of killing their mother. It is further stated in the Writ Petition that the children were interrogated by the Police wherein they told the police that their father put the body of their mother in the boot of the car. This statement does not appear to be correct as the learned Standing Counsel for the State submits that the children were never interrogated by the police.

3. The matter was mentioned on 24.05.2025. This Court had directed the State to file a Status Report and produce the children before this Court.

4. The children are present in Court today. We have interacted with the children.

5. It is stated by the children that both of them are studying in school and are residing with their grand-mother and are not under any pressure or threat. We have also interacted with the grand-mother of the children. She is keen on taking care of the children and keeping them with her. In the opinion of this Court no case of illegal detention of the children is made out.

6. It is open for the Petitioner to take steps in accordance with law by filing an appropriate Petition before the competent Court for the custody of the children. It is made clear that this Court has not made any observations on this aspect and all the rights and contentions of both the parties in respect of the custody of the children are left open. It is also made clear that the observations made by this Court are confined to the present Petition of *habeas corpus* only.

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7. The Investigating Officer is directed to visit the children once in every two days to enquire about their welfare and interact with them to ensure that they are safe.
8. With these directions, the Writ Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

APRIL 25, 2025

Rahul

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