

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.6724 OF 2025**

|                                        |                |
|----------------------------------------|----------------|
| Jasleen Gurmeet Singh Batra            | .. Petitioner  |
| Vs.                                    |                |
| Gurmeet Sing Surjit Singh Batra & Anr. | .. Respondents |
| ...                                    |                |

Mr. G. L. Bajaj a/w. Mr. Raunak Bajaj, Advocates for the Petitioner

Mr. Niranjan Mogre a/w. Mr. Mankirat Singh Chhabria, Advocates for Respondent No.1

Mr. J. P. Yagnik, Additional Public Prosecutor, for Respondent No.2-State.

**CORAM : SHREE CHANDRASHEKHAR, CJ &  
SUMAN SHYAM, J.**

**DATE : 19<sup>th</sup> JANUARY 2026**

**P.C. :**

Seeking a direction to the respondent no.1 to forthwith produce minor children, namely, Master Hargun Singh Batra and Master Sahib Singh Batra, the petitioner who is the mother of the minor children has approached this Court seeking a further direction that the custody of the minor children be restored to her.

2. Mr. G. L. Bajaj, the learned counsel for the petitioner refers to the proceedings before the Court of Ad hoc District Judge-4, Pune in Civil Miscellaneous Application (C.M.A.) No. 272 of 2022 and contended that in view of non-compliance by the respondent no.1 of the orders passed by the Ad hoc District Judge, Pune, the petitioner has no other remedy but to approach this Court in a habeas corpus petition. The learned counsel for the petitioner refers to the decision

in “*Rajeswari Chandrasekar Ganesh v. State of Tamil Nadu & Ors.*” (2023) 12 SCC 472 and “*Yashia Sahu v. State of Rajasthan & Ors.*” (2020) 3 SCC 67 to submit that a habeas corpus petition shall lie notwithstanding civil proceedings between the parties in the Family Court. The learned counsel for the petitioner further submitted that in a petition like this the paramount consideration by the Court shall be to the welfare of the child and keeping in view the said consideration, this petition may be entertained and necessary directions be issued to the respondent no. 1 for production of the minor children and custody to the petitioner.

3. The petitioner states that she was married to the respondent no.1 on 7<sup>th</sup> June 2015 at Gurudwara Singh Sabha, Dehu Road, Pune according to the Sikh religious customs and out of the wedlock, Master Hargun Singh Batra and Master Sahib Singh Batra were born. She is separated from the respondent no.1 and presently living with her parents at Pune. In the pending petition under sections 6, 7 and 12 of the Guardianship and Wards Act, 1980 filed by him, an application vide C.M.A. No. 272 of 2022 was moved by the respondent no.1 during ongoing summers of 2025. By an order dated 2<sup>nd</sup> May 2025, the Ad hoc District Judge-4 at Pune partly allowed such application with a direction to hand over interim custody of the minor children to the father on 7<sup>th</sup> May 2025 with a further direction that he shall hand over custody of the minor children to the mother on 20<sup>th</sup> May 2025 by 5:00 pm. Further orders passed by the Civil Court indicate that the minor children were admitted at a school at Sangamner for their studies and the Court made an observation that restoring the custody of the minor children shall cause impediment in their school education. However, the father was directed to produce the children before the Court on 8<sup>th</sup>

August 2025. Further proceedings before the Court on 30<sup>th</sup> September 2025, 4<sup>th</sup> October 2025, etc. indicate that the issue of custody of the minor children and their production before the Court is pending. In the meantime, the petitioner approached this Court in Criminal Writ Petition No.3495 of 2025 which was in the nature of a habeas corpus petition for a direction to 1<sup>st</sup> respondent-father for handing over custody of the children in the light of the order dated 2<sup>nd</sup> May 2025 passed by the trial Court in C.M.A. No. 272 of 2022. This writ petition was disposed of with an observation that it is not appropriate for this Court to entertain such a petition. Further, a direction was issued to the trial Court at Pune to deal with the pending applications filed by the mother.

4. It further appears that the petitioner filed a review application in Writ Petition No.3495 of 2025 which is pending consideration. In *“Rajeswari Chandrasekar Ganesh”*, there was an order of custody in favour of the mother from the Court and the father had removed the minor children from the school without informing the mother. It further appears that a complaint was lodged to the local police on the allegation that the mother was causing harm to the children. It was alleged that the mother was suffering from illness. On the other hand, the mother alleged that she received a distress call from her minor daughter on a certain date. This is also a fact appearing from the record that one Ms.Magan was appointed by the US Court as guardian *ad litem* and the order granting custody of the minor children to the mother was not acted upon and complied by the father. Similarly, the decision in *“Yashia Sahu”* pertains to bringing back the minor children by the mother to India in violation of the orders passed by the jurisdictional Court in the USA. Quite apparently, these decisions shall not apply in the facts of this case.

Having regard to the dismissal of the previous habeas corpus petition vide Criminal Writ Petition No.3495 of 2025 and pendency of the guardianship case in the Court at Pune, this writ petition is dismissed. However, we would reiterate the directions of this Court vide order dated 7<sup>th</sup> July 2025 with a further direction to the Court concerned to take coercive measures including issuing non-bailable warrant of arrest against the person who does not comply with the orders passed by the Court.

5. Writ Petition No.6724 of 2025 is dismissed.

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VISHWANATH  
SALUNKE  
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**[SUMAN SHYAM, J.]**

**[CHIEF JUSTICE]**