



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

290

**CRWP-2929-2026 (O&M)
Decided on: 19.03.2026**

NEHA PATHANIA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sidhant Verma, Advocate with
Ms. Kavita, Advocate
for the petitioner alongwith petitioner in person.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

Mr. Munish Puri, Advocate for respondent No.4 alongwith
Respondent No.4 in person.

SUBHAS MEHLA, J. (Oral)

1. Prayer in this petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *Habeas Corpus* for issuance of directions to respondents No.2 & 3 to trace out & get released the minor son of the petitioner namely, Vedant Prabhakar (detenue) from the forceful, illegal & wrongful custody of respondent No.4 & his family members and to hand him over to the petitioner/mother in view of the tender age of the minor child.

2. Mr. Munish Puri, Advocate has put in appearance on behalf of respondent No.4 and has filed reply dated 19.03.2026 which is taken on record.

3. In compliance of order dated 13.03.2026 passed by this Court, the detenue has been produced in Court by ASI-Hardeep Singh and the petitioner-mother & respondent No.4-father are present in Court



and have been interacted with. Petitioner in the instant case, is the mother of the alleged detainee namely, Vedant Prabhakar who is stated to be aged about 03 years & 05 months and the child is seen happy in his mother's arms.

4. Learned counsel for respondent No.4 contended that respondent No.4 being father of the detainee, is his natural guardian and is legally entitled for his custody as the custody of the detainee was with him right from his birth. It is further contended that there is a matrimonial discord between the parties.

5. Heard and reply filed by respondent No.4 perused.

6. The settled rule of law in terms of custody of minor child is that children below the age of 05 years, shall ordinarily remain in the custody of the mother. Keeping in view the same, and that the petitioner is the mother and natural guardian of the alleged detainee who is 03 ½ years old, the custody of the detainee namely Vedant Prabhakar, is hereby, entrusted to the petitioner-mother. Further, in case respondent No.4 is aggrieved, he is at liberty to exhaust all legal remedies available to him for custody of the minor child.

7. Disposed of, as nothing survives in the present petition.

(SUBHAS MEHLA)
JUDGE

19.03.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO