



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

**CRWP-3259-2026(O&M)
Date of Decision :25.03.2026**

Rajni Bala

....Petitioner

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. R.N.Bharati, Advocate and
Mr. Kunal Bharati, Advocate for the petitioner

Mr. Vaibhav Sharma, AAG, Haryana

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MANDEEP PANNU J. (Oral)

The present writ petition under Article 226 of the Constitution of India has been filed seeking issuance of a writ in the nature of Habeas Corpus to recover detainee namely Supriya aged 15 years from the illegal confinement of respondents No.4 and 5 (grandfather and aunt of detainee).

On 20.03.2026, notice of motion was issued and official respondents as well as respondents No.4 and 5 were directed to produce the detainee before this Court.

Today, detainee- Supriya has been produced in the Court. She has unequivocally stated before this Court that she is aged 15 years and she wants to reside with her brother in their paternal



grandparents' house. She further states that she does not want to go with the petitioner (her mother).

Furthermore, it has been averred in para 12 of the petition that petitioner has already filed a petition under Section 25 of the Minority and Guardianship Act seeking custody of her daughter-Supriya. However, learned counsel for the petitioner submits that the said petition has already been withdrawn.

Keeping in view of the aforesaid facts, this Court is of the considered opinion that detenue-Supriya, cannot be considered to be in illegal custody of the private respondents. The writ of habeas corpus is primarily maintainable only where detention is shown to be illegal or without lawful authority. In the facts of the present case, the custody of the minor with respondent No.4, being her grandfather, cannot *prima facie* be held to be illegal detention so as to warrant issuance of a writ of habeas corpus.

The appropriate remedy available to the petitioner is to approach the competent civil court/Guardian Court under the provisions of the Guardians and Wards Act, or other applicable law for seeking custody or visitation rights, where all issues relating to welfare of the minor can be properly adjudicated after appreciation of evidence.

Accordingly, finding no ground to exercise extraordinary writ jurisdiction, the present petition is disposed of, with liberty to the petitioner to avail appropriate alternative remedy in accordance with law.



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Nothing stated herein shall be construed as an expression
on the merits of the custody claim of either party.

Pending application(s), if any, is/are disposed of.

March 25, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No