

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

2026.PHHC.070596



CRWP-5182-2026 (O&M)

Date of Decision: 06.05.2026

NANDITA KANDA

... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Nitin Sharma, Advocate for the petitioner.
Mr. Surinderjit Singh Nahar, AAG, Punjab
Mr. Nitin Rampal, Advocate for respondent No.4.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of habeas corpus directing the official respondents No.1 to 3 for the release of the alleged detainee(s), namely, AaroHi and Aayansh, who are stated to be in illegal custody of respondents No.4 & 5.

2. In compliance of the order dated 02.05.2026, the alleged detainees are present in the Court today. The petitioner is the mother of the alleged detainees. AaroHi (girl child) is approximately 12 years of age and Aayansh (boy child), is approximately 5 years of age. After interaction with the alleged detainees, this Court deemed it appropriate to send them for counselling. Accordingly, Ms.Charupreet Kaur Lamba, General Counsellor was called and the alleged detainees were sent along with her for counselling.

3. The case was again taken up after the lunch break.

4. Ms.Charupreet Kaur Lamba has submitted her report. The same is taken on record. As per the report of the General Counsellor, the children (alleged detainees) wish to stay with their mother i.e. the present petitioner.

This Court has also interacted with the daughter of the petitioner namely, Aarohi in the presence of the General Counsellor in the Chamber wherein the child expressed her desire to live with her mother. It has further been informed by the General Counsellor that the children are not being sent to School by the private respondents and are being forced to join online classes and submit their home work online only.

5. On the other hand, learned counsel for respondent No.4 submits that the father (respondent No.4) is also the legal guardian and the children cannot be removed from his custody.

6. After hearing learned counsel for the parties and interacting with the children (the alleged detenues), this Court is of the considered opinion that although, the daughter has affection for both of her parents, yet keeping in view the best interest of the children and also their tender age, this Court deems it appropriate that at this stage, it is better for the children to be in the custody of their mother. Accordingly, the children (the alleged detenues) are directed to be handed over to the mother in the Court. However, respondent No.4 is at liberty to move appropriate application under the 'Guardians and Wards Act' before the appropriate Court.

7. The petition stands disposed of accordingly.

(H.S.GREWAL)
JUDGE

06.05.2026

Janki

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No