



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

Sr. No.111

CRWP-5447-2026

Date of Decision: 08.05.2026

DALVIR SINGH AND OTHERS**...Petitioners****Versus****COMMISSIONER OF POLICE AND OTHERS****....Respondents****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Kanwar Abhay Singh, Advocate
for the petitioners.

MANDEEP PANNU, J. (Oral)

1. The present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents No.1, 2 and 5 to release the detenue namely Simran Kaur, aged about 15 years, from the alleged illegal custody of the private respondents and to hand over her custody to the petitioners, being her natural guardians.

2. Notice of motion.

3. On the asking of the Court, Mr. H.S. Wadhwa, DAG, Punjab accepts notice on behalf of the official respondents and, on instructions from the concerned police official, submits that pursuant to the directions issued by this Court, the detenue Simran Kaur was produced before the Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015. It is further submitted that after



considering the welfare and protection of the minor detainee, the Child Welfare Committee passed an order directing her placement at Heavenly Palace Home, Doraha, which is a Home/place of safety meant for care and protection of children. It has further been submitted that the detainee is not in the illegal custody of any of the private respondents and is presently residing at the aforesaid Home under the orders passed by the competent authority.

4. I have heard learned counsel for the parties and have gone through the record carefully. The scope of a writ of Habeas Corpus is confined to examining whether the detainee is under illegal or unauthorized detention. In the present case, once the detainee has been produced before the Child Welfare Committee, a competent statutory authority, and has thereafter been directed to be kept at Heavenly Palace Home, Doraha under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, it cannot be said that she is in illegal custody of the private respondents.

5. The placement of the detainee at the aforesaid Home is pursuant to an order passed by the competent authority for her care, protection and welfare. Therefore, no case for issuance of writ in the nature of Habeas Corpus is made out.

6. The grievance raised by the petitioners with regard to custody of the minor child would be governed by the appropriate provisions of law before the competent forum, however, the extraordinary writ jurisdiction for issuance of Habeas Corpus cannot be invoked in the absence of any illegal detention.



7. Accordingly, finding no merit in the present petition, the same is hereby dismissed.
8. All pending applications, if any, also stand disposed of.

08.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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