



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRWP-13874-2025 (O&M)

Date of decision: 14.01.2026

Zeenat Ruth

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. R.S. Bains, Sr. Advocate with
Mr. Amarjeet Singh, Advocate for the petitioner(s)
with petitioner in person.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Anil Bansal, Advocate for respondents No.7
with respondent No.7 in person.

VINOD S. BHARDWAJ, J. (Oral)

CRM-W-42-2026

Application is allowed as prayed for subject to all just exceptions. Photocopies of FIR No.307 dated 10.10.2025 registered under Sections 106 and 281 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Baldev Nagar, District Ambala and Post Mortem Report are taken on record.

Registry is directed to tag the same at an appropriate place with page marking.

Main case:

1. The instant petition has been filed for issuance of a writ in the nature of Habeas Corpus for directing the official respondents to get the detenue(s) namely Garima and Ganya, released from the illegally custody of



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respondents No.7 to 13 viz. father and other members of the family.

2. The matter came up for hearing on 22.12.2025 when the following order was passed:-

“Petitioner, who claims to be maternal aunt of detenues, namely, Garima and Ganya, both aged about 13 years, has filed the present petition under Article 226 of the Constitution of India, praying for issuance of writ in the nature of Habeas Corpus directing the official respondents to get the detenues released from the illegal custody of private respondents.

Learned counsel for the petitioner submits that both the detenues were residing with their mother in the house of petitioner, who is their maternal aunt. Unfortunately, on 09.10.2025, mother of detenues met with an accident and passed away. On the pretext of meeting the children, respondent No.7, (father of detenues) took them away, much against their will. Local police authorities were intimated and were requested to initiate appropriate proceedings, but nothing was done.

Learned counsel has also drawn attention of the Court to the extracts of ‘WhatsApp’ conversation exchanged between petitioner and detenues, a bare perusal of which indicates that detenues are not happy with respondent No.7, as also that they want to return back to their maternal aunt i.e. petitioner. With this backdrop, the present petition has been filed.



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Heard. Contents of the petition perused.

Notice of motion.

At this stage, Mr. Hardeep Hans, AAG, Punjab, accepts notice on behalf of respondent-State and prays for time to file status report in the matter.

Adjourned to 27.12.2025.”

3. Pursuant to the subsequent orders passed by this Court, the girls Garima and Ganya, aged 13 years (twins) have been produced before this Court. The undersigned has interacted with the girls, who appeared to be sufficiently aware and oriented and capable of understanding their well-being. They have prima facie expressed their willingness, at this stage, to reside with petitioner-Zeenat Ruth, whom they identified as their maternal aunt (*masi*).
4. Counsel for the respondent No.7, however, disputes the entitlement of the petitioner to claim guardianship or custody of the girls and contends that the father of the girls, in an event where the mother has passed away, has a superior right to retain their custody and to ensure their well-being. It is further averred that false and misleading allegations have been levelled in the present petition.
5. It has been put to the counsel for the parties that, in view of the interaction held with the girls and their expressed willingness to live with maternal aunt, this Court is inclined to hand over temporary custody of the children to the petitioner herein and the respondents would be granted liberty to move an appropriate petition before the Family Court and to seek



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interim/permanent custody of the children on the basis of evidence that may be adduced therein.

6. Counsel for the parties have no objection to the same.
7. Consequently, without commenting upon the merits of the case and without prejudice to the respective rights of any of the parties, the interim custody of the minor children, Garima and Ganya, is handed over to the petitioner, who is present in the Court and has been identified by the children as well as by the counsel appearing on her behalf. The respondents shall be at liberty to institute appropriate proceedings before the family Court, which shall then decide the respective claims of the parties strictly on the basis of the evidence adduced before it and without being prejudiced by the allegations/averments contained herein or by the instant order that has been passed today granting interim custody of the children to the petitioner.
8. The minor children, Garima and Ganya, shall henceforth accompany the petitioner from the Court.
9. Needless to mention that in the event of any petition seeking temporary/permanent custody, including visitation rights, is filed by the respondents before the family Court, the same shall be considered and decided expeditiously, in accordance with law.
10. Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

14.01.2026*Mangal Singh*

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