
(2024) 12 P&H CK 1267
In the Punjab And Haryana At Chandigarh
Case No : CRWP No.12025 of 2024

Mehak Sharma

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 19-12-2024

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2024) 12 P&H CK 1267

Hon'ble Judges : Kuldeep Tiwari, J

Bench : Single Bench

Advocate : Bhanu Sharma, Ayush Ahuja, Rubal Pawar, Manish Bansal, K.P. Singh, Rabia Gund

Final Decision : Disposed Of

Judgement

Kuldeep Tiwari, J

1. Thhe petitioner, who is the mother of alleged detenue-Kian Sharma, aged about 3 years, has approached this Court by filing instant petition under Article 226/2277 of the Constitution of India forr issuance of a writ in the nature of Habeas Corpus for release of the detenue, who is alleged to be in illegal custody of respondnet No.6, who is none ellse the husband of the present petitioner.
2. Uppon notice, Mr. K.P. Singh annd Dr. Rabia Gund, Advocates caused appearance on behalf of respondent No.6.
3. A perusal of the instant petition reflects that the petitioner has already appraoached the Family Court undder the Hindu Minority and Guardianship Act, 1956 for the same relief, which is pending consideration and the next date of hearing is 28.01.2025.
4. Learned counsel for the petitioner submits that the instant petition for Habeas Corpus has been filed because of the reason that respondent No.6 is not causing appearance before the Court beloww, as he is cleverly evading the execution of

summons.

5. Onn the other hand, learned counsel appearing for respondent No.6 submits that resspndent No.6 is ready and willing to cause appearance before the Family Court concerned and would like to file his reply forthwith. He further submitss that there is no intention of respondent No.6 to delay the ongoing proceedings before the Family Court concerned.

6. Haaving considered the submisssions made by the parties concerned, this Court deems it appropriate to pass mandamus upon respondent No.6 to cause appearance before the concerneed Family Court, for tomorrow itself i.e. 20.12.2024. Considering the fact that the child, who is aged about 3 years and the present petitioner is the mother of the said child, who is in the custody of father and grandparents (in-laws of petitioner), so this Court deems it appropriate to pass mandamus upon the Faamily Court concerned to make efforts to decidde the application seeking interim custody of the child within a period of one month from today.

7. Thhe instant petition is disposed of, accordingly.

8. A copy of this order be sent too the concerned Family Court forthwith for coompliance.