



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

**CRWP No.10721 of 2024
Date of Decision: 13.02.2025**

Harwinder Pal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Mr. Arpinder Singh Sidhu, Advocate and
Mr. Amandeep S. Manaise, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for issuance of a writ in the nature of habeas corpus for directing respondent No.4 to forthwith produce Jasmine Kaur, daughter of petitioner (DOB 22.04.2013) in this Hon'ble Court and for directing respondents No.2 & 3 to get detenuue released from illegal custody of respondent No.4.

2. It has been submitted by learned counsel for the parties that the matter was referred to Mediation & Conciliation Centre at Gurdaspur. Report of the Mediator is also placed on the record. On perusal of the



same, it is apparent that despite the best efforts made by the Mediator, the mediation remained unsuccessful.

3. Learned counsel for the petitioner has submitted that marriage between the petitioner and respondent No.4 was annulled by decree of divorce in New Zealand. He submits that regarding custody of the child, the petitioner has already filed a petition under section 25 of the Guardians and Wards Act, 1890, which is pending adjudication before the learned Court at Gurdaspur. He has submitted that during the pendency of the petition, the child was taken away to New Zealand without permission of the Court.

4. Learned counsel for respondent No.4 however has submitted that respondent No.4 has never objected to the meeting of petitioner with the child through virtual mode. He has further assured that in future also, he will not be restrained from meeting the child through virtual mode.

5. On hearing learned counsel for the parties and perused the record, it is deciphered that the issue regarding custody of the child is pending adjudication before the Family Court at Gurdaspur. However, the main grievance of the petitioner is regarding meeting the child and the same is not objected by learned counsel for respondent No.4.

6. In view of the above position, the petitioner would be allowed to meet the child twice in a month on every 2nd and 4th Sunday through virtual mode. However the parties would be at liberty to pursue



their remedies as available to them before the Family Court in accordance with law.

7. Petition stands disposed of.

13.02.2025

**(RAJESH BHARDWAJ)
JUDGE**

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