

**CRWP-5750-2025**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****(203)****CRWP-5750-2025**

Date of Decision:- 03.06.2025

JYOTI

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Ms. Shelika, Advocate for the petitioner.

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**ALOK JAIN, J. (Oral)**

1. In furtherance to the order dated 29.05.2025, the detinue along with his father-respondent No. 5 are present in Court. The petitioner is also present.
2. Briefly the facts of the case are that the petitioner is the mother of the detinue and respondent No. 5 is the father of the detinue. The marriage between the petitioner and respondent No. 5 was solemnized on 18.04.2014, however, subsequently, the petitioner and respondent No. 5 have been living separately since 21.01.2022. As per the petition, it is alleged that respondent No. 5 illegally and in contravention to the agreement between the parties forcibly took away the detinue in his custody which has led to filing of this petition.



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3. Respondent No. 5 appeared in person has submitted that he was abiding the terms of the agreement but since the petitioner eloped with her paramour and the child was left without the mother. Consequently, the father of the petitioner informed him about the above said fact. Facing with the same, respondent No. 5 has brought the child in his custody.

4. The detinue is 09 years old boy and is present in Court today. This Court has interacted with the child, where he has expressed his wish to stay with his father only. The child is a school going boy and is in 5<sup>th</sup> class and is well-oriented and understands everything.

5. In light of the above, the present petition is disposed of with the following directions:

1. Respondent No. 5 shall ensure that the child interacts with the petitioner at least twice in a week through mobile phone including a video call also.
2. In case, the child desires to visit or spend some time with the mother, the same shall also be done, however, with prior intimation in the Police Station or beat box of Dashmesh Nagar, Nayagaon.
3. In case, the petitioner wishes to get the custody of the child, she is at liberty to take appropriate steps in accordance with law.
4. It is made clear that this interim arrangement shall stay in place only till any specific order is passed by the Court of competent jurisdiction.

6. The above directions are issued only to protect and safeguard the interest of the child and is not an expression or opinion in favour of either of the parties.

7. It is open to the parties to explore a possibility of an amicable settlement also as both the parties seem to be well-oriented and matured



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and since, admittedly they have not entered into any litigation despite living separately for last more than three years goes a long way to show the same.

8. It is further made clear that, in case, the child wishes or meets the mother then that will not amount to shift the custody of the child and the mother is specifically restrained from taking the child out of the jurisdiction of Police Station Dashmesh Nagar, Nayagaon, District SAS Nagar Mohali.

9. Disposed of with the above-said directions.

**June 03, 2025**

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**(ALOK JAIN)  
JUDGE**

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No