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

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Date of decision: 17.06.2026**

Parvinder Kaur**... Petitioner**

Vs.

State of Punjab and others**... Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Poonam Mehra, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India in the nature of *habeas corpus* for the release of the detenues who are minor children of the petitioner, aged 14 and 16 years respectively, from the illegal custody of respondent No.8, who is stated to be a *Baba* of some *Dera*.

2. On 10.06.2026, the following order was passed by this Court:-

“The instant petition has been filed under Article 226 of the Constitution of India in the nature of habeas corpus for the release of the detenues who are minor children of the petitioner, aged 14 and 16 years respectively, from the illegal custody of respondent No.8, who is stated to be a baba of some dera.

Notice of motion.

On the asking of the Court, Ms. Gagandeep Kaur,



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DAG, Punjab, accepts notice on behalf of State and prays for a short accommodation to seek instructions and to file status report/reply in the matter, if required.

Let the same be done before the next date fixed in the matter, with an advance copy to the counsel opposite.

List on 17.06.2026.

Let the minor children be produced before the Court on the next date of hearing.”

3. Learned State counsel submits that in compliance of the aforesaid order, the minor children of the petitioner are being brought before this Court and they are on their way, however, they have not reached till now.

4. Learned counsel for the petitioner submits that the petitioner is mother of the children, who have been allured by respondent No.8 without her consent. Both the children are minors. Further, the Child Welfare Committee has not associated the petitioner during counselling and they have handed over the custody of children to respondent No.9 who is living in a house consisting of one room and her son is drug addict as such it is not in the interest of the children to reside with them.

5. On the other hand, learned State counsel submits that the children of the petitioner were earlier produced before the Child Welfare Committee, Jalandhar. Thereafter, they have been transferred to Child Welfare Committee, Yamuna Nagar. He, on instructions from Mr. Ashok Kumar, Chairperson, Child Welfare Committee, Yamuna Nagar informs this Court that on the basis of counselling and willingness of the children, their custody has been handed over to respondent No.9, who is maternal grand mother of

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the detenues and mother of the petitioner.

6. Having heard learned counsel for the parties, it transpires that the petitioner is mother of the alleged detenues who are aged 14 and 16 years respectively, who have been alleged to have been confined by respondent No.8, who is stated to be *Baba* of some *Dera* and the Child Welfare Committee after cancelling of the minor detenues has handed over their custody as per their wishes to respondent No.9.

7. In view of the peculiar facts and circumstances of the case, the jurisdictional police authorities are directed to produce minor detenues on 19.06.2026, before learned Jurisdictional Magistrate/Duty Magistrate, Jalandhar, who shall subject the minor detenues to counselling and record their statements. Thereafter would pass appropriate orders in accordance with law after recording satisfaction in the welfare of the children. Further the concerned Jurisdictional Magistrate/Duty Magistrate will also examine the veracity of the allegations against respondent No.8. In case any cognizable offence is made out, the learned Magistrate concerned would be at liberty to pass appropriate orders directing the jurisdictional police authority to take appropriate action against the persons, whose complicity is found.

8. Needless to say that concerned Jurisdictional Magistrate will give opportunity of hearing to the petitioner as well as respondent No.9 before passing a final order. Thereafter, after recording reasons in the welfare of the children, handover the custody of the minor children to the deserving person. It is made clear that in case jurisdictional police authority deviates from directions issued by this Court, the petitioner would be at liberty to file appropriate application seeking initiation of contempt proceedings as per law.



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9. In view of the above, the present petition is disposed of.
10. Pending miscellaneous application, if any, shall also stand disposed of accordingly.

17.06.2026
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[HARPREET SINGH BRAR]
JUDGE

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