



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

242

CRWP-8041-2026 (O&M)

DECIDED ON: 17.07.2026

SARITA SHARMA @TARANPREET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Mohit Vashishat, Advocate for the respondent No.4.

SURYA PARTAP SINGH, J. (Oral):

Mr. Mohit Vashishat, Advocate has put in appearance and filed Power of Attorney on behalf of respondent No.4.

2. It has been contended by learned counsel for the respondent No.4 that the minor children are present in the Court and that their custody should not be handed over to the petitioner as she is facing a prosecution under Section 306 of Indian Penal Code, 1860 with regard to suicide committed by the father of minor children. It has been further contended that the respondent No.4 is real sister of the deceased-father of the minor children and that the children want to stay with respondent No.4 only. As per learned counsel for the respondent No.4, in view of above, she is in the best position to take care and look after the minor children.



3. In addition to above, it has also been contended by learned counsel for the respondent No.4 that in case the custody of minor children is handed over to the petitioner, at least visiting rights should be accorded to the respondent No.4.

4. The learned counsel for the petitioner has controverted the abovementioned arguments. According to learned counsel for the petitioner, the petitioner being mother and natural guardian of the minor children, is entitled to the custody of minor children.

5. Taking into consideration the abovementioned facts and circumstances, since petitioner is mother and natural guardian of the minor children and as on today she is the only surviving parent of the minor children, it is hereby ordered that the custody of minor children be handed over to the petitioner. As far as the prayer of respondent No.4 for visiting right is concerned, she is at liberty to approach the appropriate authority for the abovesaid purpose. The present petition stands ***disposed of***, accordingly.

6. Pending miscellaneous application(s), if any, shall stand disposed of.

17.07.2026

Vinod

(SURYA PARTAP SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No