

Court No. - 79

Case :- HABEAS CORPUS WRIT PETITION No. - 940 of 2024

Petitioner :- Jagriti And 2 Others

Respondent :- State Of Up And 6 Others

Counsel for Petitioner :- Mayank Prakash Rawat, Surendra Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Surendra Kumar, learned counsel for petitioners and learned counsel for respondent nos.4 to 6 as well as learned AGA. No one appeared on behalf of respondent no.7.

2. In pursuance of earlier order dated 26.11.2024, petitioner no.1, namely, Jagriti alongwith her son/petitioner no.2, namely, Suraj Kumar (corpus) has been produced by S.I. Rahul Kumar Rana, District Agra, before this Court today.

3. On being queried, Jagriti w/o Suraj Kumar/petitioner no.3 stated that she is residing with respondent no.7 having marital status of married wife of petitioner no.3 and she is also having custody of one male child i.e. Yash Kumar (corpus) son of petitioner no.3 who is aged about 7 years. Jagriti/petitioner no.1 has also stated that she is residing with respondent no.7 with her own will.

4. A precise query has been made to petitioner no.1 by this Court that whether she is having some income out of some occupation or job, in a very fair manner, petitioner no.1 replied that she is not doing any job. It has also been fairly admitted by her that Yash Kumar (corpus) is son of petitioner no.3 i.e. Suraj Kumar.

5. Learned counsel for petitioners submitted that petitioner no.3 is having adequate financial means to take care of upbringing of his child and future of corpus cannot be put into lurch only on the ground of fantasy and fancy culture adopted by petitioner no.1 by way of deserting petitioner no.3 in presence of existing marriage and residing with respondent no.7.

6. Considering the arguments raised by learned counsel for parties and the statement rendered by petitioner no.1, the only point of consideration available before this Court, is to secure the future of

petitioner no.2 (corpus) who is minor child and budding citizen of this glorious country, the future of the country cannot be permitted to taking care of by such a mother who fled away with a person without having proper recourse of law in shape of seeking divorce from petitioner no.3, moreover, it is the admitted fact as asserted by petitioner no.1 herself that petitioner no.2 i.e. Yash Kumar (corpus) is son of petitioner no.3 and petitioner no.1.

7. In view of the aforesaid facts and circumstances, S.I. Rahul Kumar Rana who produced the corpus before this Court, is hereby directed to ensure handover the custody of Yash Kumar to his father/petitioner no.3, namely Suraj Kumar son of Niranjana, resident of House No.31/230, Ashok Gali Rawali, P.S. Rakabganj, District Agra, forthwith by way of verifying the identity of petitioner no.3 through his counsel.

8. Accordingly, present petition is **allowed partly**.

Order Date :- 22.1.2025

Vivek Kr.