



2026:CGHC:13647-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPHC No. 5 of 2026**

Yogesh Kumar Sonkar S/o Shri Yashwant Sonkar, Aged About 42 Years
R/o Village Khursipar, Tehsil And District- Balod (C.G.)

... Petitioner**versus**

- 1** - State of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Atal Nagar, Nava Raipur, District- Raipur (C.G.)
- 2** - The Superintendent of Police, District- Balod (C.G.)
- 3** - The Station House Officer, Police Station Balod, District- Balod (C.G.)
- 4** - Lalji Sonkar R/o Village Khursipar, District- Balod (C.G.)
- 5** - Devendra Sonkar R/o Village Khursipar, District- Balod (C.G.)

... Respondents

For Petitioner	:	Mr. Manish Nigam, Advocate
For Respondent Nos. 1 to 3 /State	:	Mr. Saumya Rai, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, C.J.****23.03.2026**

- 1 Heard Mr. Manish Nigam, learned counsel for the petitioner as well as Mr. Saumya Rai, learned Deputy Government Advocate, appearing for the State/respondent Nos. 1 to 3.
- 2 The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs :-



“10.1 Issue a writ of Habeas Corpus directing Respondents to produce petitioner’s minor child Fanish Sonkar before this Hon’ble Court.

10.2 Restore custody of the minor child to the Petitioner.

10.3 Direct the Police Authorities to provide protection to the Petitioner and to take appropriate action against the Respondent no. 4 and 5.

10.4 Pass any other order deemed fit in the interest of justice.”

- 3 Learned counsel for the petitioner submits that the Petitioner, being the biological father and natural guardian of the minor child, Master Fanish Sonkar, had lawful custody of the child, who has been forcibly taken away by Respondent Nos. 4 and 5 along with others on 09.02.2026 during a meeting convened to resolve matrimonial disputes. It is submitted that although proceedings were earlier initiated before the Family Court, Balod by the Petitioner’s wife, the same have since been withdrawn; however, despite this, the private respondents have illegally abducted and continue to wrongfully detain the minor child. He also submitted though a written complaint has been given to the Superintendent of Police, Balod, narrating the facts of abduction, illegal confinement, threats and intimidation by Respondent No.4 and others, but no effective action has been taken till date. It is further submitted that the continued illegal detention of the minor child is in clear violation of his fundamental rights under Articles 21 and 21A of the Constitution of India and is adversely affecting his welfare and education. The Petitioner, being the natural



guardian, is legally entitled to the custody of the minor child, and having no other efficacious remedy, seeks indulgence of this Hon'ble Court for issuance of a writ of Habeas Corpus for immediate restoration of custody.

- 4 On the other hand, learned State counsel opposed the aforesaid submission and submitted that the allegations of illegal abduction and wrongful confinement are wholly misconceived and devoid of merit. It is submitted that the minor child is not in illegal custody of Respondent Nos. 4 and 5, but is presently residing with his mother at her parental home out of her own free will. In this regard, he has placed on record a letter dated 13.03.2026 issued by the SHO, Police Station Balod, addressed to the Superintendent of Police, Balod, wherein it has been specifically stated that the minor child is living with his mother. It is further submitted that the said position is duly corroborated by the statement of the mother, which has also been placed on record, as such, no case for issuance of a writ of Habeas Corpus is made out, as there is no illegal detention of the minor child. The present petition is thus liable to be dismissed.
- 5 Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the core issue pertains to the custody of a minor child. The stand of the State, supported by the letter dated 13.03.2026 issued by the SHO, Police Station Balod and the statement of the mother, indicates that the minor child is presently residing with his mother



at her parental home and is not in illegal detention. In such circumstances, the essential ingredient for issuance of a writ of Habeas Corpus, namely unlawful or illegal detention, is not made out.

- 6 It is well settled that in matters relating to custody of a minor child, the appropriate remedy lies under the provisions of the Guardians and Wards Act, where detailed adjudication on the welfare of the child can be undertaken.
- 7 Accordingly, the present petition stands **dismissed**. However, liberty is granted to the Petitioner to avail appropriate remedy under the Guardians and Wards Act, if so aggrieved with regard to the custody of the minor child.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice