



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

CRWP-13079-2025

Decided on: 11.12.2025

Shamsher

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Afjal Hussain, Advocate with
Dr. Kirandeep Kaur, Advocate
for the petitioner.

Mr. Ved Parkash, Sr. DAG, Haryana.

Mr. Munfaid Khan, Advocate
for respondent No.4.

Vinod S. Bhardwaj, J. (Oral)

Instant petition has been filed under Article 226 of the Constitution of India for issuance of writ of Habeas Corpus directing respondents No.1 to 3 to get the detenue namely Armana released from illegal custody of respondent No.4.

2. The petitioner made a specific averment that respondent No.4 Tohid had illegally and forcibly detained his daughter - Armana and is not allowing her to meet him. It is further averred that the detenue is minor as her date of birth is 01.01.2010. Apprehending threat to life and liberty of the detenue, present petition was filed.

3. On 04.12.2025, after hearing learned counsel for the petitioner, following order was passed:



“Learned counsel appearing on behalf of the petitioner(s) contends that minor daughter of the petitioner has been illegally detained by respondent No.4 and he is not being allowed to have access to her or to talk to her. He thus prays for appointment of warrant officer or the detenue be directed to be produced before this Court.

Notice of motion.

Dr. (Ms.) Malvika Singh, DAG, Haryana, accepts notice on behalf of respondents No.1 to 3 and prays for some time to complete instructions and to file response.

List on 11.12.2025.

In the meanwhile, respondent No.2-the Superintendent of Police, Nuh, Mewat District Nuh, is directed to issue appropriate directions to the concerned Station House Officer, to ensure that detenue Armana is produced before this Court on the next date of hearing.

A copy of the order be handed over to the State Counsel under signatures of the Bench Secretary to ensure compliance of the same.”

4. In compliance of aforesaid order, respondent-State has produced the detenue Armana before this Court. This Court has interacted with the alleged detenue, who has stated that she was born on 11.02.2007 and thus, she is more than 18 years of age. She performed marriage/nikah with respondent No.4 Tohid out of her own free will and is not illegally and forcibly detained by respondent No.4.

5. Mr. Munfaid Khan, Advocate has put in appearance on behalf of respondent No.4 and filed his vakalatnama in Court, which is taken on record.

Learned counsel however, points out that petitioner has concealed a vital



information from this Court. He contends that Armana and Tohid had approached this Court for seeking protection vide CRWP-12861-2025, which was listed on 29.11.2025. The said criminal writ petition was listed before Coordinate Bench of this Court wherein Mr. Afjal Hussain, Advocate appeared on behalf of Shamsher (petitioner herein) and others as respondents No.4 to 6 and had raised similar objections there as well. The Coordinate Bench had directed the respondent-State to verify the claim made by respondent No.4 (petitioner herein) with respect to Aadhar Card and Transfer Certificate of Armana.

6. It is submitted that notwithstanding the counsel Mr. Afjal Hussain, despite being fully aware of the pendency of CRWP-12861-2025 instituted by Armana and Tohid (respondent No.4 herein) and the same being pending before the Coordinate Bench, yet, filed present petition on 02.12.2025 concealing the factum of pendency of writ petition and that the grounds raised herein had already been raised before the Coordinate Bench and response from the State had been asked for.

7. State counsel submits that the issue with respect to the date of birth of detenue has been duly verified and as per record of Registrar, Births and Deaths, her date of birth is 11.02.2007 and not 01.01.2010 as claimed.

8. Keeping in view the totality of the facts as pointed out, it seems that there has been concealment on the part of the petitioner and to withhold the relevant facts including the fact of pendency of case before a Coordinate Bench of this Court and keep it hidden from this Court by raising facts, which



are already under consideration before the Coordinate Bench and by referring to the documents incorrectly.

9. Consequently, the present petition is dismissed with costs of Rs.25,000/-. The costs be paid to the detenue Armana for untoward harassment and humiliation extended to her by the petitioner. Registry is further directed to attach the present petition along with CRWP-12861-2025 for necessary information of the Bench before whom said criminal writ petition is pending.

10. Pending miscellaneous application, if any, also stands disposed of.

11.12.2025
sonia

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No