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CRWP-931-2026 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(236)

CRWP-931-2026 (O & M)
Date of decision: 06.05.2026

Aslam

..... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nasir Jamal, Advocate and
Mr. Rohit Sharma, Advocate, for the petitioner.

Ms. Geeta Rani, AAG, Haryana.

Mr. Sarfraj Hussain, Advocate, for respondent No.5.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Article 226 of the Constitution of India is for the issuance of a writ in the nature of Habeas Corpus directing the respondents No. 3 and 4 to produce the detainee, namely, Manisha-daughter of the petitioner before this Court and to set her at liberty from the illegal custody of respondent No.5.

2. The learned counsel for the petitioner contends that the detainee, namely, Manisha is the daughter of the petitioner. She was forcibly taken away on 26.01.2026 by respondent No.5-Waseem Akram who is a married man with children. She has been kept in illegal confinement ever since then.

During the course of the present proceedings, Manisha was taken to One

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Stop Centre at Nuh. He, therefore, contends that as the detenue-Manisha is a minor being the age of less than 18 years, her custody be handed over to the petitioner.

3. The learned counsel for the State while referring to the status report dated 25.03.2025 which is already on record, contends that the Birth record of the detenue-Manisha reveals her date of birth as 26.11.2007 whereas another document reveals her date of birth as 31.07.2008. Her statement has been recorded under Section 164 Cr.P.C. [Section 183 BNSS] (Annexure P-6), as per which she wishes to reside with Waseem Akram-respondent No.5. Therefore, the Court may pass such orders as it deems fit.

4. The learned counsel for respondent No.5, on the other hand, contends that the respondent No.5-Waseem Akram and the detenue-Manisha solemnized a Nikah on 26.01.2026. She is by all accounts certainly more than 17 years old. As per Muslim Law, Muslim boys and Muslim girls who have attained puberty may solemnize marriage. The detenue-Manisha has already got her statement recorded under Section 164 Cr.P.C. (Section 183 BNSS) that she wishes to reside with respondent No.5-Waseem Akram. He, thus, prays that directions be issued for her release from One Stop Centre, Nuh and her custody be handed over to respondent No.5, who is her husband.

5. I have heard the learned counsel for the parties.

6. As per order dated 06.02.2026, a Co-ordinate Bench of this Court had directed that the detenue-Manisha would reside at One Stop

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Centre, Nuh. On 30.04.2026, this Court had directed that the detainee-Manisha to be present in the Court today i.e. 06.05.2026. In furtherance of the aforesaid order, the detainee-Manisha has appeared and on being asked, states that she is a major, has solemnized Nikah with respondent No.5-Waseem Akram and wishes to reside with him.

7. Pertinently, both Manisha (detenue) and respondent No.5-Waseem Akram belong to the Muslim community and as such are at liberty to marry persons of their choice on attaining puberty as there is a presumption that a person who is more than the age of 15 years has reached the age of puberty and is, therefore, competent to marry. This Court in ***‘Gulam Deen and another versus State of Punjab and others (CRWP-5744-2022 decided on 13.06.2022)*** directed the officials respondents therein to decide the representation of the petitioners seeking protection from the private respondents apprehending a threat on account of their marriage where both the petitioners therein were Muslims and the girl was more than 15 years of age but less than 18 years and was deemed to have attained the age of puberty as per Muslim law. The said order was challenged before the Hon’ble Supreme Court by way of ***Special Leave to Appeal (Crl.) No(s).10036/2022*** which came to be dismissed on 19.08.2025

8. In the instant case, going by the documents with respect to the age, it is apparent that the detainee-Manisha is of the age of more than 17 years, though, by one account she is more than the age of 18 years. She has

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categorically stated that she wishes to reside with respondent No.5-Waseem Akram.

9. In view of the above discussion as well as in view of the judgment of this Court in '*Gulam Deen (supra)*' upheld by the *Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).10036/2022 decided on 19.08.2025*, the present petition is disposed of with the directions that the detenue-Manisha be released from the One Stop Centre, Nuh and she is free to reside with her husband-Waseem Akram/respondent No.5 subject to the law as applicable.

10. The pending application(s), if any, shall stand disposed of accordingly.

May 06, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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