

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026 PHHC-054702



CRWP-3590-2026 (O&M)
Date of Decision: 08.04.2026

AMANPREET KAUR ... PETITIONER
VERSUS
UNION OF INDIA AND OTHERS ... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present- Mr. Mukesh Singh Tomar, Advocate for the petitioner.
Mr. Amit Sharma, Advocate (Senior Panel Counsel)
for respondent No.1.
Mr. Vijay Kumar, AAG Haryana.
Mr. Angrej Singh, Advocate for respondent Nos.7 and 8.

H.S. GREWAL, J. (ORAL)

1. The present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus directing the respondents No. 6 to 8 to produce the minor girl child, who has been illegally and forcibly taken from the lawful custody of the petitioner-mother.

2. Learned counsel for the petitioner submits that petitioner is the mother of the minor girl child, who is 3 years old and born in Poland and respondent no. 6 is the father of the minor child. She stayed with the petitioner till 10.10.2025. He further submits that when the petitioner and respondent no.6 came to India in October 2025, respondent nos. 6 to 8 illegally and forcibly took away the child from custody of the petitioner at Ambala.

3. Learned counsel for the respondents submit that in fact the petitioner has also moved to Poland and the alleged detainee/minor child is also residing in Poland with her father.

4. In view of the judgment passed by a two Judge Bench of the

Hon'ble Apex Court in *Tejaswini Gaud and others vs. Shekhar Jagdish Prasad Tewari*, 2019 AIR SC 2318 that in child custody matters, the ordinary remedy lies only under the Hindu Minority and Guardianship Act or the Guardians and 14 Wards Act, as the case may be. Accordingly, after hearing learned counsel for the parties and going through the record of the case, no ground is made out to allow the present petition and the same is hereby disposed with liberty to the petitioner to move appropriate application under the 'Guardians and Wards Act' before the appropriate Court.

08.04.2026

Janki

**(H.S.GREWAL)
JUDGE**

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