

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8176/2026
[Arising out of impugned final judgment and order dated 16-04-2026
in CRWP No. 4294/2026 passed by the High Court of Punjab & Haryana
at Chandigarh]

RAJA SHARMA

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

IA No. 136672/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 20-05-2026 This matter was called on for hearing today.
(In camera)

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. D. K. Thakur, Adv.
Mr. Tavleen Singh, Adv.
Ms. Vallabhi Shukla, AOR
Mr. Rohit Kumar, Adv.

For Respondent(s) :Mr. Alok Sangwan, Sr. A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Sumit Kumar Sharma, Adv.
Mr. Rajat Sangwa, Adv.
Mr. Vaibhav Yadav, Adv.
Mr. Harsh Mehla, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.
Ms. Rekha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

We have also interacted with the petitioner-
father of the corpus, respondent No. 5-mother of the

corpus as well as the corpus in camera.

The petitioner stated that his vocation is that of a Driver and he also claims to be owning a Tempo Traveller vehicle whereas respondent No. 5-mother stated that she is working as a freelance Beautician.

The petitioner herein and respondent No. 5-mother were married in the year 2014. A son, Master V (the corpus herein) was born from the wedlock on 20th August, 2017. The relations between the spouses got strained and numerous litigations ensued. In the year 2022-23, respondent No. 5-mother left the matrimonial home leaving the minor child Master V in custody of the petitioner. The child was admitted in a school named Mount Fort Academy at Dehradun.

A decree of divorce by mutual consent annulling the marriage between the parties was passed by the Principal Judge, Family Court, Narnaul on 21st April, 2025, wherein the custody of the minor child was granted to the petitioner with visitation rights to respondent No. 5-mother.

After the divorce, respondent No. 5-mother married the respondent No. 6 whereas the petitioner is still unmarried.

The petitioner claims that respondent No. 5-

mother and respondent No. 6 forcibly entered his house on 20th March, 2026 and tried to take away the minor child from the petitioner's custody. Upon this, the petitioner's mother lodged a written complaint at the police post Panditwari, Dehradun. There, the respondent No. 5-mother gave an undertaking that she was taking the child with her for a few days during the summer vacations and would bring him back as per the desire of the child.

It is not in dispute that the petitioner gave his implicit consent in the said proceedings. However, a few days later, i.e., on 5th April, 2026, the petitioner moved an application to the SHO, Narnaul alleging that the child had been taken away by respondent No. 5-mother by practising fraud and that he wanted to regain the custody of the child. Allegedly, no action was forthcoming on this complaint upon which the petitioner filed a Habeas Corpus petition in the High Court of Punjab and Haryana at Chandigarh for seeking custody of the child which came to be disposed of by the learned Single Judge with the following directions:-

"Perusal of Annexure P-1 i.e. judgment dated 21.04.2025, passed by learned Principal Judge, Family Court, Narnaul, shows that custody of the child has been

granted in favour of the petitioner. Ergo, the present petition is disposed of with a direction to Superintendent of Police, Mohindergarh to take action on complaint/representation of the petitioner dated 05.04.2026 (Annexure P-5) in accordance with law.”
[Emphasis supplied]

Being aggrieved, the petitioner is before us by way of the instant special leave petition.

On 6th May, 2026, we directed issuance of notice to the parties and also required respondent No. 5-mother along with the corpus(child) to remain physically present in the Court and the proceedings to be taken up in camera.

Today, we have interacted with the petitioner and respondent No. 5-mother as well as the child separately. We find that the child is very comfortable and happy in the company of his mother. The respondent No. 5-mother has explained the circumstances under which she was compelled to part with the company of the child leaving him with the father which decision, as per respondent No. 5-mother, was taken with a heavy heart in the best interest of the child. We are persuaded to accept the plea of respondent No. 5-mother that she was

compelled to leave the child in the custody of the father which was the decision taken under compelling circumstances wherein the respondent No.5-mother sacrificed her own guardianship rights of the child looking to his best interests.

Now, she has resumed her Beautician job and hence she is confident of providing a good life to her son and that is why, she approached the petitioner. It is the case of respondent No. 5-mother that the petitioner consented to part with custody of the child in favour of respondent No. 5-mother. When the petitioner was asked about the said submission of respondent No. 5-mother, he initially agreed but later on reverted to his plea that the Family Court has granted him the custody of the child and he is, therefore, entitled to retain the same. He further submits that the child is being provided better education at Dehradun.

Considering the facts and circumstances prevailing on the record and upon an overall conspectus of the discussion with the parties, we find that both the parties have come clean regarding of the circumstances in which the child's custody was handled. Having interacted with the child who is an 8 years old boy of sound understanding and fully conscious about his own well being, we feel that

respondent No. 5-mother is the best placed to take care of the welfare of the child.

In these circumstances noted above, we hereby direct that respondent No. 5-mother shall be entitled to retain the full custody of the child. The judgment and decree dated 21st April, 2025 passed by the Principal Judge, Family Court, Narnaul in CIS No. HMA 95 of 2024 to the extent of granting custody of the child to the petitioner is modified and the custody is granted to respondent No. 5-mother. However, we provide that the mother shall facilitate telephonic access of the child to the father each day between 6.00 p.m. and 7.00 p.m.

We are not foreclosing the remedies available to the petitioner with regard to visitation rights for which he may approach the appropriate forum. In the event such application is filed, the same shall be decided on its own merits in accordance with law.

The special leave petition is dismissed with the above modifications and directions.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR