2026:AHC:225518-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1449 of 2026

Gyanti Devi And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Awadhesh Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 42

HON'BLE ATUL SREEDHARAN, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioners and learned AGA for the State.

2. The present petition has been filed by petitioner Nos.1 and 3 for the release of petitioner No.2, Chandan Rajbhar.

3. Brief facts of the case are that petitioner No.3 is the wife of petitioner No.2 and the daughter-in-law of petitioner No.1. Respondent No.4 is the mother of petitioner No.3 and the complainant in this case. As per the case of the petitioners, petitioner No.2, who is in custody, and petitioner No.3 are husband and wife. An FIR was lodged by respondent No.4 on 18.07.2026, which was registered as Case Crime No.234 of 2026 under Section 87 of the BNS at Police Station Salempur, District Deoria, alleging therein that on 14.07.2026 at about 7:00 a.m., petitioner No.2 eloped with her 18 years old daughter, who is petitioner No. 3.

4. Thereafter, as stated in the petition, the marriage between petitioner No.2 and petitioner No.3 was solemnized at a Durga Temple in District Siwan, Bihar. After their marriage, petitioner Nos.2

and 3 are stated to have shifted to Pune, where they were living together as husband and wife. In the course of time, petitioner No.2 came to be in the family way and informed petitioner No.1 that they had been taken into custody on 28.08.2026 at Police Station Salempur, District Deoria, and were being detained in police custody. During the intervening night of 24.08.2026 and 25.08.2026, the personnel of Police Station Salempur, accompanied by the father of Petitioner No.3, reached the matrimonial residence of the couple at Pune, took both petitioner No.2 and Petitioner No.3 into custody, and brought them to Police Station Salempur during the intervening night of 27.08.2026 and 28.08.2026.

5. It is further alleged in the petition that, at the time of arrest, the police had taken away the mobile phones of both petitioner Nos.2 and 3. However, petitioner No.3 is stated to have managed to send a message regarding their arrest and confinement to the younger brother of petitioner No.2, who resides abroad, and who, in turn, informed petitioner No.1 and her daughter about their arrest. Upon receiving the information, petitioner No.1, along with her daughter, went to the police station on 28.08.2026 and remained seated there for the entire day.

6. The case of petitioner No.2 is that he was kept under unlawful detention from 28.08.2026 to 02.09.2026 and that his arrest memo was subsequently prepared on 02.09.2026.

7. This Court, by way of its previous order dated 09.10.2026, had directed the police to produce the CCTV recordings of P.S. Salempur, District Deoria, from 6:00 p.m. on 27.08.2026 till 10:00 p.m. on 02.09.2026.

8. In compliance of the said order, the CCTV footage has been produced. However, learned counsel for the State has fairly submitted that, if the affidavit of Mr. Abhijeet R. Shankar, Superintendent of Police, District Deoria, is taken into consideration, there may be no necessity to peruse the CCTV recordings. In this regard, learned counsel for the State has drawn the attention of this Court to the report dated 21.10.2026, prepared by the Circle Officer (CO) and forwarded to the Superintendent of Police, District Deoria, wherein there is a categorical acceptance, pursuant to an inquiry conducted into the conduct of Mr. Deep Narayan Yadav, Investigating Officer, that the I.O. had deliberately taken petitioner No.2 into custody on 28.08.2026 and kept him in illegal confinement till 02.09.2026, when his formal arrest was shown.

9. Thus, the report of the Circle Officer accepts the fact that petitioner No.2 was kept under unlawful detention for five days at P.S. Salempur and that his fabricated arrest (फर्जी गिरफ्तारी) was shown on 02.09.2026, as per the said report, whereafter he was produced before the Magistrate for remand. The report further records a finding that the I.O., in contravention of his duties and in gross dereliction thereof, had acted in a negligent manner. The report also accepts that petitioner No.2 was unlawfully detained for those five days at the police station itself. Pursuant to the said report of the Circle Officer, the Superintendent of Police, Deoria, passed an order on 21.10.2026 initiating departmental proceedings against the I.O. under the relevant applicable provisions of law.

10. This Court appreciates the candour and honesty displayed by the Circle Officer in disclosing the true facts to this Court through his inquiry report. This Court also appreciates the subsequent action taken by the Superintendent of Police, Deoria, upon receipt of the

report of the Circle Officer.

11. Therefore, what comes out from the entire exercise conducted by the police is that the case of the petitioner is accepted relating to unlawful detention.

12. In view of above, the petition is **allowed**. Petitioner No.2 shall be set at liberty forthwith, if not required in any other case.

13. As regards the compensation prayed for in this particular case, the manner in which the I.O. has demonstrated his arrogance of authority, by detaining petitioner No.2 for full five days without even thinking twice and without following the procedure established by law, makes it appear that he considered it business as usual. Therefore, this Court expects that, if the I.O. is found guilty as charged in the departmental inquiry, the harshest punishment for his deliberate actions be considered to be imposed upon him.

14. As regards compensation, this Court is of the opinion that, for the period of five days undergone by petitioner No.2 in custody without adherence to the procedure established by law, compensation at the rate of Rs.25,000/- per day is granted, which amounts to Rs.1,25,000/-. This shall not preclude the right of petitioner No.2 to sue the Police Department in an action in tort for damages.

15. The observations made by this Court while deciding the present case shall in no way affect the criminal case pending against petitioner No.2, which shall be tried and concluded on the basis of the evidence adduced before the learned Trial Court, uninfluenced by the observations made in this order.

16. The petition stands **disposed of as allowed**.

17. This Court also requests the State to enter the appreciation of this Court with regard to the conduct of Mr. Rajesh Chaturvedi, Circle Officer, Rudrapur, District Deoria, and Mr. Abhijeet R. Shankar, Superintendent of Police, Deoria, in their respective service records for the manner in which they have made a full and true disclosure of the actions of the Investigating Officer.

18. The compensation granted to the petitioner shall be recovered from such persons who, after an inquiry, are found guilty of having detained him. The State may effect such recovery, if so desired.

October 29, 2026
R.S. Tiwari

(Achal Sachdev,J.) (Atul Sreedharan,J.)

Digitally signed by :-
RAVI SHANKAR TIWARI
High Court of Judicature at Allahabad