



2026:AHC:188368-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 906 of 2026

Arvind Kumar Yadav (Corpus) And Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ravi Prakash
Counsel for Respondent(s)	:	G.A.

Court No. - 42

HON'BLE ATUL SREEDHARAN, J.
HON'BLE DIVESH CHANDRA SAMANT, J.

1. The present Habeas Corpus petition has been filed by the petitioners alleging that the petitioner/corpus was unlawfully detained by the police at Police Station George Town, District Prayagraj.
2. The genesis of this case commences from an FIR bearing Crime No.104/2026 registered at P.S. George Town initially under Sections 126 (2), 191(2), 352, 115 (2) and 75 of the BNS and after investigation, it was enhanced with the inclusion of 109 BNS (attempt to murder). The accused, Suresh Kumar, in the said case, is the brother of the present petitioner/corpus, who has already been granted the benefit of anticipatory bail.
3. Learned counsel for the petitioners has submitted that, while the case against the brother of the petitioner/corpus would be tried in accordance with law and the petitioner/corpus has no concern with the outcome of the said case, the petitioner/corpus was taken from his house in Jaunpur on 23.06.2026 to P.S. George Town and was released therefrom only at about 7:00 p.m. on 26.06.2026. In support of his submission, learned counsel for the petitioners has placed on record the Supurdginama furnished to the police at the time of release of the petitioner/corpus from custody, which clearly reflects

that the petitioner/corpus was released on the said date at the aforesaid time.

4. Pursuant to the earlier directions of this Court, Mr. Ashvani Savita, the Investigating Officer of the case bearing Crime No. 104 of 2026, has appeared before this Court. He has stated that, upon the directions of Mr. Yogendra Kumar Singh, S.H.O., Police Station George Town, he, along with certain other police personnel, went to the house of the petitioner/corpus and picked him up on 23.06.2026 for the purpose of interrogation in connection with the said offence. It has further been stated that the brother of the petitioner/corpus was granted anticipatory bail on 03.08.2026 and that, during the period when the petitioner/corpus was kept at P.S. George Town, Prayagraj his brother was a fugitive from justice, until he was granted the benefit of anticipatory bail on 03.08.2026.

5. Learned Counsel for the State informs the Court that Mr. Ashvani Savita was given the case of Crime No.104 of 2026 to investigate the same on 24.06.2026 from the previous Investigating Officer Mr. Brijesh Kumar Yadav. It is further undisputed that the petitioner/corpus remained at the police station until his release on 26.06.2026 at about 7:00 p.m., as is evident from the Supurdginama, pursuant to which the petitioner/corpus was handed over to one Mr. Vaibhav Singh, who is known to the petitioner/corpus.

6. This Court, on the last date of hearing, had directed the Investigating Officer, Mr. Ashvani Savita, to produce the Call Detail Record (CDR) to ascertain the location of the petitioner/corpus from 23.06.2026 to 26.06.2026. Pursuant to the said direction, the CDR pertaining to mobile number 8318452745, which admittedly belongs to the petitioner/corpus, has been placed before this Court. The CDR reflects that on 23.06.2026 at 00:47:48 hours, the location of the

petitioner/corpus was shown at Badlapur, Jaunpur, which continued till 7:02 a.m., when his location was shown at Phoolpur Andar Town, Pargana Sikandra, Tehsil Phoolpur, District Prayagraj. Thereafter, at 7:56 a.m., his location was shown at George Town, Prayagraj, where the police station concerned is situated. The CDR further reflects that the mobile phone of the petitioner/corpus was switched off at 12:11 p.m. on 23.06.2026 and remained switched off, until it was switched on at 8:08 a.m. on 27.06.2026 at Jaunpur.

7. The aforesaid material, when read in conjunction with the Supurdginama, clearly establishes that the contention advanced by learned counsel for the petitioners is correct. In any event, it is not disputed that the petitioner/corpus was brought to the police station on 23.06.2026. The corroborative CCTV footage further establishes his presence at the police station from 23.06.2026 to 25.06.2026. No CCTV footage for 26.06.2026 has, however, been produced before this Court. Thus, it is undisputed that the petitioner/corpus remained in the unlawful custody of the police personnel of P.S. George Town, Prayagraj, for at least four days, i.e., from 23.06.2026 to 26.06.2026.

8. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner/corpus is entitled to compensation for his wrongful and unlawful detention at P.S. George Town, District Prayagraj, for the aforesaid period.

9. Therefore, this Court awards a compensation of Rs.40,000/- to the petitioner/corpus, to be paid by the State. The said amount shall be recovered from the salaries of such persons of P.S. George Town, who were responsible of the illegal detention of the petitioner, in such proportions as the State deems fit. It appears that, although the petitioner/corpus was not involved in the aforesaid offence, he was kept at the police station in order to bring pressure upon the accused

in the aforementioned case to compel him to surrender before the police. However, as stated hereinabove, the accused was a recipient of an anticipatory bail in the month of August, 2026.

10. The police cannot resort to pressure tactics to compel the actual offender to surrender before it by unlawfully detaining an innocent member of his family who has no connection with the alleged offence. Such an act on the part of the police would constitute unlawful detention where such a person would be amenable to be compensated for the unjust loss of his liberty, however, temporary it may be. The displeasure of this Court with the manner in which Mr. Yogendra Kumar Singh, S.H.O., and Mr. Ashvani Savita, the Investigating Officer, have conducted themselves *vis-a-vis* the petitioner/corpus shall also be duly recorded in their respective service records.

11. With the above directions, this petition stands **disposed of**.

September 9, 2026
R.S. Tiwari

(Divesh Chandra Samant,J.) (Atul Sreedharan,J.)