



HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 100 of 2026

Abhay Kumar

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s) : Abhishek Ghosh, Ram M. Kaushik
Counsel for Respondent(s) : G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Sri Manu Sharma, Senior counsel assisted by Sri Ram M. Kaushik, Abhishek Ghosh, Arjun Kakkar, Shrey Sharma and Swastik Sharma, learned counsel for the petitioner and Sri Arvind Kumar, learned AGA for the State.
2. In compliance of the order dated 03.02.2026, counter affidavit has been filed by learned AGA on behalf of the Investigating Officer of this case, which is taken on record.
3. This writ petition has been filed praying for following reliefs:-

*A. Issue a writ, order or direction in the nature of Habeas Corpus directing the respondents herein to produce and release the corpus/petitioner from their illegal custody, while declaring the arrest, detention and remand of the petitioner as illegal, null and void for not following the direction of the Hon'ble Supreme Court in *Mihir Rajesh vs. State of Maharashtra and Another*;*

B. Issue a writ, order or direction in the nature of certiorari quashing the remand order dated 20.01.2026 and 21.01.2026 and subsequent remand orders passed by Ld. CJM, Gautam Budh Nagar.

C. Issue a writ, order or direction in the nature of mandamus to initiate departmental enquiry upon the actions of errant police officials of respondent no. 1.

4. Learned senior counsel appearing on behalf of the petitioner has relied upon the judgment of this Court passed in the case of **Umang Rastogi and Anr Vs. State of U.P. and Ors; 2026 SCC OnLine All 82** (*In Habeas Corpus Writ Petition No. 35 of 2026*); and has submitted that in this case also requirement of clause 13 of the arrest memo has not been complied

with nor the same was supplied to the petitioner before effecting his arrest.

5. We find that the facts of this case are covered by the aforesaid judgment of this Court by violation of Clause 13 of memo of arrest, arrest of accused was made.

6. In view of above, the authority concerned is directed to release the corpus/petitioner forthwith.

7. The writ petition is allowed.

8. Learned AGA present in the Court is directed to communicate this order to the authorities concerned for compliance of this order forthwith without waiting for issuance of certified copy of this order.

9. Certified copy of the order shall be issued today.

February 5, 2026
S.K.S.

(Jai Krishna Upadhyay,J.) (Siddharth,J.)