



2026:AHC:62455-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 290 of 2026

Vishu Tomar And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Haya Rizvi, Rahul Gaur
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE SIDDHARTH, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

Heard Shri Rahul Gaur, learned counsel for the petitioners, learned A.G.A. and perused the material on record.

The above noted Habeas Corpus Petition has been filed praying for following prayer:

i. Issue an appropriate writ, order or direction in the nature of Habeas Corpus directing the respondents herein to produce and release the Corpus/petitioner no.1 from their illegal custody, which declaring the arrest, detention and remand of the petitioner no.1 as illegal, null and void for not following the directions of the Hon'ble Supreme Court in Mihir Rajesh Vs. State of Maharashtra and others.

ii. Issue an appropriate writ, order or direction in the nature of Certiorari quashing the impugned remand order dated 14.11.2024 passed by C.J.M., Baghpat, in case crime no. 771 of 2024, under sections 103(1) and 238

B.N.S., P.S. Baraut District Baghpat.

iii. Issue an appropriate writ, order or direction in the nature of Mandamus to initiate departmental enquiry upon the errant police officials of respondent no.1.

iv. Issue an appropriate writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case otherwise the petitioners shall suffer irreparable loss and injury.

v. To award the cost to the petitioners."

Learned counsel for the petitioners has submitted that petitioner no.1 was illegally arrested without providing him copy of ground of arrest and reason of arrest on 12.11.2024. It has been submitted that in the absence of communication of ground of arrest of the petitioner, his arrest is illegal.

Learned A.G.A. has pointed out that arrest of the petitioner was made on 12.11.2024. He has acquiesced to his illegal arrest. Thereafter proceedings may have proceeded further. Petitioner has not brought on record any document to prove status of the investigation/trial and has only sought quashing of the remand order dated 14.11.2024 after about 16 months of his arrest. There is no explanation in the petition regarding delay in approaching this court.

After considering the rival submission, we are of the

view that petitioners have not approached this court promptly and the petition suffers from latches.

The petition stands dismissed on the ground of latches.

(Vinai Kumar Dwivedi,J.) (Siddharth,J.)

March 25, 2026

Atul kr. sri.