



2026:AHC:63121-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 299 of 2026

Ahsok Kumar @ Deepak @ Rinki

.....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. - 44

HON'BLE SIDDHARTH, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

Learned counsel for the petitioner is permitted to implead the Investigating Officer of this case as respondent No.3 as also the HDFC Bank as respondent No.4 in the writ petition during the course of the day.

Heard Sri Ram M. Kaushik, learned counsel for petitioner, learned AGA for State-respondent and Sri Parth Goswami learned counsel appearing on behalf of respondent - HDFC Bank and perused the material available on record.

The present writ petition has been filed praying for following reliefs:-

"I. 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, arbitrary, null and void.

II. Issue a writ order or direction in the nature of certiorari calling for the records and quashing the remand order dated 5.12.2025 passed by the Ld. ACJM-II, Gautam Buddha Nagar in Case No. 694 of 2025 as well as subsequent remand order/s, if any, as being illegal, void ab-initio.

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

Learned counsel for the petitioner submits that the petitioner was arrested

from Patel Nagar West, New Delhi on 3rd December, 2025 at about 18:00 hours and kept in illegal custody. On 4th December, 2025 a missing report was lodged by the wife of the petitioner at Police Station Indirapuram, district Ghaziabad in Uttar Pradesh. Thereafter on 4th December, 2025, a arrest memo was prepared by respondent No.3, wherein the grounds of arrest have not been clearly mentioned not the specific evidence relying on which, the arrest of the petitioner was affected and finally the FIR was lodged on 05th December, 2025 at 03:31 hours. Learned counsel for the petitioner submits that no transit remand of the petitioner was taken in violation of the judgment of the Supreme Court in the case of **Priya Indoria Vs. State of Karnataka and Others reported in (2024) 4 SCC 749**. He has further submitted that in this case, the arrest preceded the lodging of FIR against the petitioner, hence, the entire exercise of arrest and custody of the petitioner is illegal. The remand order passed by the Remand Magistrate does not takes into account these facts and the order has been passed in a most cursory manner without application of mind.

Learned AGA appearing on behalf of State has submitted that the allegations against the petitioner are serious, he has misappropriated the amount of the customers of the Bank.

Mr. Parth Goswami, learned Counsel appearing on behalf of respondent-HDFC Bank also informs the Court that the Bank is the really aggrieved party since the money deposited in the Bank has been allegedly misappropriated by the petitioner and that the Bank has also lodged a FIR against the petitioner on 6th December, 2025 while the petitioner was in custody.

After hearing the rival submissions this Court finds that the arrest of the petitioner was affected even before lodging of the FIR. He was arrested from Delhi but the police has not taken his transit remand as per the law laid down in the case of **Priya Indoria (supra)**. The arrest memo of the petitioner is not in accordance with the law laid down by the Apex Court in the case of **Umang Rastogi and another Vs. State of U.P. and others passed in Habeas Corpus Writ Petition No. 35 of 2026**.

In view of the above, the impugned remand order and the arrest memo of the petitioner is hereby **quashed**. It is open for the respondents to proceed against the petitioner in accordance with law.

The writ petition is **allowed**.

Petitioner is directed to be released from custody forthwith without waiting for supply of certified copy of this order. Learned AGA is directed to intimate the respondents about the order passed today. Certified copy of this order shall be provided to the learned counsel for the petitioner on payment of usual charges during the course of the day.

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

March 26, 2026

NSC