



2026:AHC:126173-DB

Reserved on 27.5.2026

Delivered on 08.6.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 629 of 2026

Vinit Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shlok Jaiswal, Uday Bhan Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE SIDDHARTH, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

(Delivered by Hon'ble Siddharth, J.)

1. Heard Sri Uday Bhan Singh, learned counsel for the petitioner; learned AGA for State-respondents and perused the material on record.

2. The present habeas corpus writ petition has been filed by learned counsel for the petitioners seeking the following reliefs:-

i. Issue a writ, order or direction in the nature of habeas corpus commanding/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 directions of the Hon'ble supreme Court in Mihir Rajesh Shah v. State of Maharashtra and Another.

ii. Issue a writ, order or direction in the nature of certiorari quashing the remand order dated 13.03.2026 passed by the Id. Addl. Chief Judicial Magistrate-6, Kanpur Nagar in Case Crime No. 41 of 2026, Under Section 3(5), 318(4), 336(3), 338, 340(2), 61(2), 112 B.N.S., P.S. Kidwai Nagar, Police Commissionerate, Kanpur Nagar so far as it relates to the petitioner.

iii. 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 and Respondent No 2.

iv. Issue any writ, order or direction, which this hon'ble Court deems fit and proper in the facts and circumstances of the present case to which petitioner is entitled in the law.

v. To award the cost of the petition.

3. Learned counsel for the petitioner has submitted that petitioner was taken into custody by the police on 9.3.2026 from Noida and he was brought to Kanpur Nagar after three days of his arrest on 12.3.2026. After the petitioner went missing on 9.3.2026, wife of the petitioner dialed number 112 and informed the police in this regard. The petitioner was produced before the Remand Magistrate, Kanpur Nagar, on 13.3.2026 and Remand Magistrate allowed his remand up to 23.3.2026.

4. Learned counsel for the petitioner has further submitted that the 'arrest memo' does not contains the grounds of arrest of petitioner and hence detention of the petitioner is illegal. He has submitted that he applied for bail before the Sessions Court, but it has been withdrawn.

5. Learned AGA has opposed the submissions made by learned counsel for the petitioner and has pointed out that there is recital in the 'grounds of arrest' that the petitioner alongwith his co-accused have formed an organized gang and they are involved in the fabrication of degrees and mark sheets. He is involved in earning money by providing fabricated mark-sheets and degrees to persons who pay for them. Two mobile phones were recovered from his possession.

6. Learned AGA has further submitted that as clear from the FIR, police has recovered 1030 mark-sheets, migration certificates and decrees, etc., from the co-accused persons named in the FIR. Other mark-sheets of different classes and Universities alongwith two laptops of different companies and other incriminating materials have also been recovered from their possessions. It appears that the name of the petitioner has come to light in this case during investigation since he is not named in the

FIR. Two mobile phones have been recovered from him, which are connected to this case. There are no averments in the writ petition as to why the petitioner has been falsely implicated in this case.

7. After considering the rival submissions, this Court finds that a case has been registered against the co-accused and the petitioner has been found to be involved in this case alongwith the co-accused. However this Court finds that petitioner was arrested from Noida and produced before the Remand Magistrate at Kanpur Nagar without taking any transit remand from the Remand Magistrate at Noida. Therefore in view of the principle of law laid down in the judgment of Apex Court in the case of *Priya Indoria v. State of Karnataka, 2024 SCC 749*, transit remand was required to be taken from Noida which has not been complied by the respondents and hence arrest of the petitioner is held to be illegal.

8. The above noted habeas corpus writ petition is **allowed**.

9. Petitioner is directed to be released from custody forthwith without waiting for supply of the certified copy of this order by the C.J.M. Kanpur Nagar.

10. Office is directed to issue certified copy of this order to the petitioner on payment of usual charges today.

11. The Remand Magistrate is directed be cautious in future while passing remand orders.

12. The S.S.P. Kanpur Nagar, is directed to initiate departmental proceedings against the investigating officer for dereliction of duty in compliance of judgements of this court and Apex Court. The departmental inquiry against the investigating officer shall be completed within six months. The fate of the inquiry shall be communicated to this Court by Commissioner of Police, Kanpur Nagar in the office of Registrar (Compliance).

14. The Registrar (Compliance) of this Court is directed to communicate this order to the District Judge, Kanpur Nagar, within 48 hours.

15. It is open for the respondents to proceed against the petitioner afresh

in accordance with law.

June 8, 2026
Ruchi Agrahari

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