IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER, 2020

PRESENT

THE HON'BLE MR. JUSTICE R.DEVDAS

AND

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION (HABEAS CORPUS) NO.105/2020

BETWEEN

SRI HITESH KUMAR JAIN
S/O SHANTI LAL JAIN,
AGED ABOUT 32 YEARS,
R/AT NO. 27 (3330) 6TH MAIN ROAD,
4TH CROSS, RPC LAYOUT,
HAMPINAGAR,
BENGALURU - 560 040.

...PETITIONER

(BY SRI BHARATH KUMAR V, ADVOCATE)

AND

1 . STATE OF KARNATAKA
THROUGH ADDL. CHIEF SECRETARY,
HOME DEPARTMENT
VIKASA SOUDHA
BENGALURU - 560 001.

2 . COMMISSIONER OF POLICE
BENGALURU CITY,
INFANTRY ROAD,
BENGALURU - 560 001.

3 . DEPUTY COMMISSIONER OF POLICE
CENTRAL DIVISION,
BENGALURU - 560 001

4 . STATION HOUSE OFFICER
HALASURU GATE POLICE STATION,
BENGALURU - 560 002.

5 . INSPECTOR OF POLICE
HALASURU GATE POLICE STATION,
BENGALURU - 560 002.

6 . SUB INSPECTOR OF POLICE
AND INVESTIGATING OFFICER IN FIR NO. 109/2020
HALASURU GATE POLICE STATION
BENGALURU - 560 002.

7 . KARNATAKA STATE HUMAN RIGHTS COMMISSION
HAVING OFFICE AT: 1ST -4TH FLOOR
M.S.BUILDING, DR B R AMBEDKAR VEEDHI
BENGALURU - 560 001.

…RESPONDENTS

(BY SRI V M SHEELVANT, SPP-I A/W
SRI Y D HARSHA, AGA FOR R1 TO R7)

THIS WRIT PETITION (HABEAS CORPUS) IS FILED UNDER ARTICLES 226 & 227 IF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT, ORDER OR DIRECTION IN THE NATURE OF HABEAS CORPUS OR ANY APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING RESPONDENT NO.4 TO 6 TO PRODUCE MR.NIKINT JAIN, BEFORE THIS HON'BLE COURT AND ISSUE WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING RESPONDENT NO.7 TO ENQUIRY INTO THE GROSS HUMAN RIGHT VIOLATION DONE BY THE RESPONDENT NO.4 TO 6 HEREIN, INCLUDING THE UNKNOWN OFFICIALS OF THE HALASURU GATE POLICE STATION AND TO INITIATE APPROPRIATE ACTION IN ACCORDANCE WITH LAW.

THIS WRIT PETITION (HC) IS COMING ON FOR ORDERS THIS DAY THROUGH PHYSICAL HEARING, ***R.DEVDAS J.,*** MADE THE FOLLOWING:

ORDER

The petitioner has filed this Habeas Corpus petition on behalf of his brother Sri Nikint Jain. It is the contention of the petitioner that his brother has been illegally detained by respondent No.4-Halasuru Gate Police.

2. The learned SPP-1 is before this Court making a submission that Sri Nikint Jain, is a witness in Crime No.190/2020 and he was summoned to the Police Station only as a witness to record his statement and after his statement was recorded, he left the Police Station.

3. However, learned Counsel for the petitioner does not accept the submission made by the learned SPP and on the other hand, it is submitted that respondents No.4 to 6-Police have illegally detained Sri Nikint Jain and have physically abused the said person.

4. Having regard to the submission made by the learned SPP-1, this Court is of the opinion that if the allegation made by the petitioner with respect to his brother is true, provision is made in law to redress such grievance before the State Human Rights Commission. The petitioner and his brother are at liberty

to move the State Human Rights Commission to redress their grievance.

5. Liberty is also reserved to the petitioner and his brother to move a fresh petition if the petitioner or his brothers are illegally detained.

6. With these observations, the petition stands disposed of.

Sd/-
JUDGE

Sd/-
JUDGE

JT/-