THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION (HABEAS CORPUS) NO.84 OF 2026

BETWEEN:

SRI MOHAMMED FAHAD HI @ MOHAMMED KOYA
S/O ABDUL HI @ ABDUL KOYA
AGED ABOUT 32 YEARS
CITIZEN OF PAKISTAN
PERMANENT RESIDENT OF NO.K-366
BLOCK F, NORTH NIZAMABAD KARACHI PAKISTAN

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

PRESENTLY DETAINED AT
FOREIGNERS DETENTION CENTRE
SONDEKOPPA NELAMANGALA
BENGALURU RURAL DISTRICT
KARNATAKA-562 130

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADV.)

AND:

1. STATE OF KARNATAKA
   BY ITS PRINCIPAL SECRETARY
   DEPARTMENT OF HOME
   VIDHANA SOUDHA
   BENGALURU-560 001

2. UNION OF INDIA

MINISTRY OF EXTERNAL AFFAIRS
SOUTH BLOCK
SECRETARIAT BUILDINGS
RAISINA HILL
NEW DELHI-110 011
REP. BY ITS SECRETARY

3. FOREIGNERS REGIONAL REGISTRATION OFFICER
5TH FLOOR, A BLOCK
TTMC BUILDING
K H ROAD
SHANTHINAGAR
BENGALURU-560 027

4. THE IN-CHARGE OFFICER
FOREIGNERS DETENTION CENTRE
SONDEKOPPA NELAMANGALA
BENGALURU RURAL DISTRICT
KARNATAKA-562 162

5. THE DIRECTOR GENERAL AND INSPECTOR GENERAL
OF POLICE
KARNATAKA STATE POLICE
NO.2, STATE PUBLIC HEADQUARTERS
NRUPATHUNGA ROAD
BENGALURU-560 001

…RESPONDENTS

(BY SRI. ARAVIND KAMATH, ASG A/W
SRI. S.R.DODDAWAD, CGC FOR R2, R3 AND R4;
SRI. B.N.JAGADEESH, SPP-1 A/W
SMT. DEEPTHI ALVA, HCGP FOR R1 AND R5)

THIS WPHC IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF HABEAS CORPUS DIRECTING THE RESPONDENT NO.4 TO RELEASE PETITIONER/ DETENUE FORTHWITH DECLARING THE DETENTION OF PETITIONER/ DETENUE IS ILLEGAL, UNLAWFUL AND WITHOUT AUTHORITY OF LAW.

THIS WPHC HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 16.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

The petitioner who contends that he is a citizen of Pakistan and is detained at the Foreigners Restriction Centre, Sondeykoppa, Nelamangala, has approached this Court, seeking a direction to respondent No.4 to release him, declaring his detention to be illegal. A further prayer is also sought for issue of an exit pass to permit to enable him to exit the territory of India.

2. We have heard Shri. Sirajuddin Ahmed, learned counsel appearing for the writ petitioner, Shri. Aravind Kamath, learned Additional Solicitor General of India along with Shri. R. Doddawad, Central Government Counsel appearing for respondents No.2, 3 and 4, Shri. B.N Jagadeesh, learned Special Public Prosecutor- I

along with Smt. Deepthi Alva, learned High Court Government Pleader appearing for respondents No.1 and 5.

3. The learned counsel for the petitioner submits that the petitioner is a Pakistani national and is detained without any justification. He submits that he had filed W.P.(HC)No.115/2024 seeking his release and deportation to Pakistan. The said petition was disposed of on 16.06.2025. However, the petitioner has not been released or deported as yet. It is stated that as against a conviction in S.C.No.297/2013 of the Special Court for Trial of NIA Cases at Bengaluru, the petitioner had filed Criminal Appeal No.1220/2023 which was allowed by judgment dated 25.09.2024. The petitioner was acquitted of the offences and was directed to be set at liberty.

4. Further, the appeal preferred by the State against acquittal in Special Criminal Case No.106/2015 of the City Civil and Sessions Judge, Bengaluru, as Criminal Appeal No.2002/2024, was also dismissed on 08.04.2026. It is therefore contended that the petitioner is liable to be set at

liberty and sent back to Pakistan, since there is no criminal case now pending against him.

5. The learned ASGI on the other hand, submitted that there was an order of restriction of movement passed against the petitioner under the provisions of the Foreigners Act and that the order had been duly served on the petitioner. Though the learned counsel for the petitioner submits that it was only on account of the pendency of the criminal cases that he had been detained at the detention centre, we are of the opinion that in view of the order of restriction of movement passed under the provisions of the Foreigners Act, the petitioner who is a foreign national cannot seek a direction to be set at liberty in view of the admitted position that he has no valid visa to continue his stay in India legally. Since an order of restriction of movement is passed against the petitioner, rightly or wrongly, we are of the opinion that he has to challenge the same in appropriate proceedings.

This writ petition is therefore ***disposed of*** with liberty to the petitioner to challenge the order of restriction of

movement passed under Section 3(2)(e) of the Foreigners Act, 1946.

All pending Interlocutory Applications shall stand *disposed of.*

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

CP*/PN