



CRWP-5183-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5183-2026
Decided on: 11.05.2026

Aman Goyal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Bhavuk Datta, Advocate and
Mr. Vikas Bali, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Instant habeas corpus petition has been filed by petitioner- Aman Goyal, seeking the release of the detainee, namely Rahul Goyal (brother of petitioner), from the alleged illegal detention of respondent No. 4-S.H.O., Police Station Sadar Ludhiana, District Ludhiana.

2. On 03.05.2026, following was recorded:

“1. xxx

2. *Learned counsel for the petitioner submits that petitioner in the present petition is the brother of detainee namely, Rahul Goyal. Learned counsel further submits that a dispute regarding a piece of land is ongoing between the petitioner and his brother on one side and respondents No. 5 and 6 on the other. It is contended that FIR No. 148 dated 15.07.2025, under Sections 406, 420, and 120-B IPC, was registered at Police Station Sadar, Ludhiana, against petitioner and his brother (detinue herein) at the instance of respondent No. 5.*



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In the said criminal case, petitioner and his brothers approached this Court by filing CRM-M-42660-2025 (by Aman Goyal, petitioner herein), CRM-M-48282-2025 (by detainee Rahul Goyal), and CRM-M-48319-2025 (by their brother Naveen Goyal), and were granted the concession of anticipatory bail vide orders dated 07.08.2025 (P-7) and 01.09.2025 (P-8), respectively (CRM-M-48282-2025 and CRM-M-48319-2025 were disposed of vide a common order dated 01.09.2025).

Learned counsel for the petitioner contends that respondent No. 4 is acting in collusion with respondents No. 5 and 6. It is further submitted that some police officials came to the petitioner's house today, i.e., 03.05.2026, at about 08:00 a.m., and forcibly took the detainee with them. Learned counsel further submits that petitioner claims to possess CCTV footage showing that detainee, Rahul Goyal, was taken away by the said police officials, and the same can be produced before this Court at the time of hearing. Accordingly, counsel prays for the appointment of a Warrant Officer to secure the release of the detainee.

3. *Notice of motion for 11.05.2026.*

4. *The Registry is directed to appoint a Warrant Officer, who shall visit the place(s) of alleged illegal confinement of the detainee, as may be pointed out by the petitioner. In case the detainee, Rahul Goyal (brother of the petitioner), is found to be in illegal detention, he shall be released forthwith after recording his statement without any influence, pressure, or coercion. Thereafter, the report prepared by the Warrant Officer shall be produced before this*

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Court on or before the next date of hearing. The usual expenses shall be borne by the petitioner in this regard.

5. *To be shown in the urgent list.”*

3. Today, report dated 05.05.2026 submitted by the Warrant Officer in a sealed cover has been opened in Court, which reads as under:

“ In compliance with the order dated 03.05.2026 passed by Hon'ble Mr. Justice Sanjay Vashisth, undersigned was appointed as Warrant Officer in the above noted case on 03.05.2026.

At the very outset learned counsel for the petitioner told undersigned that associate of petitioner and Shri Dinesh Katyal, Advocate will accompany me and they will meet at Ludhiana. I left Chandigarh at 11.40 pm on 03.05.2026. Prince, an associate of petitioner and Shri Dinesh Katyal, Advocate met me near police station Sadar, Ludhiana.

We reached police station Sadar, Ludhiana at 1.35 am on 04.05.2026. Night Munshi Jaswant Singh was present there. After disclosing my identity and purpose of visit, I along with associate of petitioner searched each and every corner of police station and alleged detainee Rahul Goyal was found sleeping in the office of SHO. Night Munshi immediately called I/Incharge Jagdev Singh. After some time he reached there. SHO told me that Rahul Goyal had been granted anticipatory bail in case FIR No. 148 dated 15.07.2025 u/s 406/420/120-B IPC vide order dated 01.09.2025 passed by this Hon'ble Court. He further told Rahul Goyal had been arrested on the basis of inquiry report conducted by Ramandeep Singh Bhullar, PPS, ACP (Operation), Ludhiana approved by Commissioner of Police, Ludhiana (Annexure R-1) vide which offence u/s 260/465/467/468/471 IPC had been added later on. He handed over me copy of Special GD entry No. 22 dated 01.05.2025 regarding adding of above said sections of IPC (Annexure R-2), arrest memo (Annexure R-3), GD entry regarding arrest (Annexure R-4). He further told me that neither any notice had



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been given to Rahul Goyal nor Hon'ble Court had been informed regarding arrest on the basis of offences added later on. SI/IO Tarsem Singh furnished statement (Annexure R-5) in which he reiterated the facts as told by the I/SHO. In the meantime, Shri Dinesh Katyal, Advocate told me that police official is taking signatures of son of Rahul Goyal on some papers out side the police station. Harshit Goyal son of Rahul Goyal was called inside the police station. He furnished statement (Annexure R-6) to the effect that his signature had been taken forcibly on two papers between 2.30 and to 2.40 am by police official posted in this police station namely Jaswant Singh out side the police station. Later he said that one paper was blank. Police official was in his uniform at that time. Rahul Goyal told me he had been picked up by police at 7.30 am on 03.05.2026 and kept in police post Mirado and thereafter brought to police station Sadar Ludhiana at 11.00 am. GD entry made by the concerned police station is at Annexure R-7. I left for Chandigarh at 4.50 am on 04.04.2026. Report is submitted for kind perusal of His Lordship please.”

4. From the report of the Warrant Officer, it is evident that detainee was arrested by preparing a memo after addition of offences under Sections 260, 465, 467, 468, and 471 IPC, and that an arrest memo was also prepared at the time of arrest. However, neither any notice was given to Rahul Goyal (detenue) nor was the Court informed regarding the arrest based on the subsequently added offences.

5. Learned State counsel, however, submits that the arrest appears to have been made without due knowledge of the guidelines laid down by the Hon'ble Apex Court in '**Pardeep Ram v. State of Jharkhand**', 2019(3) RCR (Criminal) 538, and that the Investigating Officer, on mere addition of offences, proceeded to arrest the detainee without complying with the said mandate. It is further submitted that



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subsequently, vide order dated 04.05.2026, learned Judicial Magistrate First Class, Ludhiana, declined the remand application and directed the release of the detenue from custody.

6. In view of the above, since the detenue has already been ordered to be released by the learned Magistrate, no further directions are required to be issued in the present petition, same is accordingly disposed of.

(SANJAY VASHISTH)
JUDGE

May 11, 2026
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**