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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1078/2026

MAYA

.....Petitioner

Through: Mr.Jitendra Rexwal, Adv.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Ms.Priyam
Agarwal, Mr.Abhinav Kr. Arya,
Mr.Aryan Sachdeva, Advs.
Insp. Ravinder Singh, SI
Lokendra, PS-Tigri.
SI Jitender, ASI Suresh.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **22.04.2026**

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'BNSS'), seeking issuance of a Writ in the nature of Habeas Corpus directing production of Mr.Ram Niwas who is the husband of the petitioner.

2. On 06.04.2026, when the petition came up for hearing for the first time, we were informed by the learned counsel for the petitioner that Mr.Ram Niwas has returned home on 01.04.2026. He, however, pressed the claim that the petitioner had been illegally detained from 26.03.2026 till 01.04.2026.

3. As a claim of illegal detention was being made by the petitioner, we directed the learned Standing Counsel for the State to



file a Status Report in this regard.

4. Today, the learned Standing Counsel for the State has handed over a copy of the Status Report dated 21.04.2026. The same is taken on record.

5. The Status Report, *inter alia*, states that FIR No.161/2026 under Section 305 of the BNSS was registered at Police Station Kalkaji, South East District, New Delhi. The case was later transferred to Anti-Auto Theft Squad (AATS), South East District (SED), *vide* order dated 25.03.2026. It is further alleged therein that one of the co-accused is the son of Mr.Ram Niwas. On 26.03.2026, a raid was conducted at the residence of the said suspect and Mr.Ram Niwas was found present there. He was served with a notice under Section 179 of the BNSS to join the investigation. In compliance with the said notice, he joined the investigation at the AATS/SED Office and co-operated with the Investigating Agency. After some questioning, he was allowed to leave. Later, on 29.03.2026, another notice under Section 179 of the BNSS was served on him to join the investigation, however, he did not appear. He later voluntarily appeared on 30.03.2026 and joined the investigation. He was again allowed to leave the office after some interrogation.

6. As per the respondents, on the same date, the petitioner made a call to the PCR wherein it was reported as under:

*“LADY BOL RHI Hai 5/6 POLICE OR CIVIL
DRESS WALE THE MERE HUSBAND KO
LEKAR GYE HAI BATAYA NHI HAI KI
KAHA LEKAR GYE HAI,”*

7. The details of further investigation made in the abovementioned



FIR have also been given in the Status Report with which we are not concerned in this petition.

8. It is stated that Mr.Ram Niwas was never illegally detained by the police and the said assertion of the petitioner is false.

9. The above statements in the Status Report are disputed by the learned counsel for the petitioner, who reiterates that Mr.Ram Niwas was in the illegal detention of the respondents from 26.03.2026 to 01.04.2026.

10. In view of the conflicting stands taken by the parties, and the categorical assertion of the respondents that Mr. Ram Niwas, pursuant to notices issued under Section 179 of the BNSS for joining the investigation on 26.03.2026 and 29.03.2026, joined the investigation on 26.03.2026 and 30.03.2026 and after some interrogation was allowed to leave, we are of the opinion that such disputed questions cannot be determined in the summary jurisdiction that we exercise under Article 226 of the Constitution of India.

11. As Mr.Ram Niwas is admittedly not in custody any more, we dispose of this petition reserving liberty to Mr.Ram Niwas to initiate appropriate action, if advised, in accordance with the law.

12. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 22, 2026/Arya/ik