



2026:AHC:136468-DB

Reserved On :- 03.07.2026

Delivered On :- 08.07.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 830 of 2026

Navneet Alias Banti

.....Petitioner(s)

Versus

The State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Harsh Tiwari, Vimlendu Tripathi
Counsel for Respondent(s) : G.A.

Court No. - 43

HON'BLE SIDDHARTH, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

(Delivered By Hon'ble Siddharth, J.)

1. Heard Sri Vimlendu Tripathi and Sri Harsh Tiwari, learned counsel for the petitioner and learned A.G.A for the State.

2. The writ petition has been filed praying for following reliefs :-

"(i) Issue a writ, order, or direction in the nature of Habeas Corpus commanding the respondents, particularly respondent no. 3 (The Superintendent, District Jail, Rampur), to release the petitioner forthwith from illegal detention in connection with Crime No. 160 of 2026, under Sections- 115(2), 131 and 304(2) of B.N.S., Police Station- Tanda, District- Rampur and the petitioner be set at liberty forthwith;

(ii) Quash and set aside the impugned effect of the procedural actions and orders dated 30.05.2026 passed by the court of learned Chief Judicial Magistrate, Rampur (not in possession of the petitioner in view of annexure no. 13 to the writ petition) passed by the court of learned Sessions Judge, Rampur, under which the detenue has been left in an unauthorized jurisdictional vacuum, and command the respondents to release the detenue from his illegal physical confinement inside District Jail, Rampur, forthwith;

(iii) Issue any other appropriate writ, order, or direction which the Hon'ble Court may deem fit and proper under the facts and circumstances of the case to meet the ends of justice; and

(iv) Award the costs of the instant petition to the petitioner."

3. The brief facts of the case are that the detinue-petitioner was married to Smt. Munesh and from the wedlock, they were blessed with three children (one daughter, Tejaswani, aged about 8 years, two sons, Navjot, aged about 7 years and Paras, aged about 4-1/2 years). The daughter and younger son are residing with the petitioner. On account of matrimonial discord, the petitioner's wife went to her maiyka along with one son, Navjot and started residing there, which is situated at village Abbasnagar, Tanda.

4. The detinue was falsely and maliciously implicated in Case Crime No. 160 of 2026, under Sections 115(2), 131, and 304(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), at Police Station- Tanda, District- Rampur. In respect of the aforesaid Case Crime No. 160 of 2026, under Sections- 115(2), 131 and 304(2) of the Bharatiya Nyaya Sanhita, Police Station- Tanda, District- Rampur, the First Information Report dated 21.04.2026 was lodged against the accused persons, including the detinue-petitioner.

5. The registration of the prosecution was in the absence of territorial jurisdiction, as the alleged incident admittedly transpired within the boundaries of the State of Uttarakhand.

6. Before the registration of the present FIR, the parties had amicably resolved their matrimonial dispute and a written compromise dated 26.03.2026 was executed between the complainant, Smt. Munesh and her husband, the detinue, Navneet @ Bunty. In the said compromise, the complainant clearly stated that the dispute related only to a domestic quarrel, that both husband and wife had been counselled by respectable persons of the village and that she did not wishes to press any legal action based on her earlier complaint against the detinue. The complainant further affirmed that she was entering into compromise voluntarily and without any pressure.

7. According to the case diary of the alleged crime, the injury report of the alleged injured, Smt. Munesh, (the petitioner's wife) and Brijesh Kumar (brother-in-law of the petitioner) alleged crime in question mentions that the injuries are simple in nature, caused by a hard and blunt object and are two days old.

8. Being a law-abiding citizen, the detinue, Navneet @ Bunty, submitted a surrender application before the Court of the learned Chief Judicial

Magistrate, Rampur, on 03.05.2026, stating therein that he had been shown as an accused in the present case and that the police had directed him to surrender before the Court. In the said application, the detenu requested the Court to call for a clear report regarding his being wanted and to take him into judicial custody.

9. The Station House Officer, Police Station Tanda, District Rampur, submitted a police report dated 06.05.2026 before the learned Chief Judicial Magistrate, Rampur, informing the Court that the written complaint of the informant had been received and that the accused, Navneet @ Bunty had been shown as wanted in the present case. In the said report, the police further stated that certain sections earlier mentioned in the FIR had been deleted on the basis of evidence, and additional sections had been added during the investigation. The S.H.O requested the Court to take the accused into judicial custody upon his surrender.

10. The detenu, Navneet Kumar, had submitted an application under Section 6 of the Right to Information Act, 2005 before the Public Information Officer/Additional Superintendent of Police, Rampur on 06.05.2026, seeking specific information regarding the legality of the investigation being conducted by Police Station Tanda in the present case. In the said RTI application, the detenu raised two queries, namely.

(i) Whether Police Station- Tanda had lawful territorial jurisdiction to investigate the case, despite the incident having admittedly occurred at Village Murliwala, Police Station Jaspur, District Udham Singh Nagar, Uttarakhand, and

(ii) How the police had passed an order under Section 151/107/116 Cr.P.C (peace detention proceedings) against the detenu's brother without visiting the spot after registration of the F.I.R.

11. On 11.05.2026, the petitioner was sent to the judicial custody in District Jail Rampur. However, according to the best knowledge of the deponent, there is no judicial remand order passed by the learned C.J.M Court, Rampur and only the Court *Muharrir* of the Court of the Learned Chief Judicial Magistrate, Rampur, submitted a report dated 11.05.2026 recording that the detenu, Navneet @ Bunty, had appeared before the Court through counsel and surrendered in Case Crime No. 160 of 2026. The report further states that upon such surrender, the detenu was taken into judicial custody and a

warrant under Section 187 B.N.S.S was prepared, pursuant to which he was remanded and sent to District Jail, Rampur till 25.05.2026. The said report establishes that the detenu was in judicial custody from 11.05.2026 onwards.

12. The detenu moved bail application before the Court of the Learned Chief Judicial Magistrate, Rampur, on 11.05.2026, immediately upon his surrender in the present case. The Learned Magistrate, after hearing the parties, was pleased to reject the said bail application on the same day.

13. The detenu filed his bail application dated 12.05.2026 before the Court of the Learned Sessions Judge, Rampur, immediately after surrendering on 11.05.2026. In the said bail application, the detenu asserted his innocence, explained the matrimonial nature of the dispute, disclosed the presence of three minor children dependent upon him, and specifically pleaded that the alleged incident had occurred at Village Murliwala, Police Station Jaspur, District Udham Singh Nagar, Uttarakhand, and therefore the FIR registered at Police Station Tanda, Rampur was without territorial jurisdiction. Along with the bail application, the detenu also filed an affidavit in support thereof and a separate application praying for summoning the lower court record.

14. The Investigating Officer prepared Case Diary Parcha No. 6 on 12.05.2026 in Case Crime No. 160 of 2026, wherein it was recorded that the alleged incident had taken place at Village Murliwala, Police Station- Jaspur, District Udham Singh Nagar, Uttarakhand, and not within the territorial jurisdiction of Police Station Tanda, District- Rampur. The Case Diary further notes that upon examination of the video footage and other material, the co-accused Kapil, Pintu @ Himanshu, Chandan Kaur and Pooja, were found to have been falsely implicated, and they were accordingly exonerated during the investigation. The Case-Diary also records that the detenu, Navneet @ Bunty, had surrendered before Court on 11.05.2026 and that the Court Muharrir's surrender/ remand report had been received by the Investigating Officer.

15. Order-sheet of the Court of the Learned Sessions Judge, Rampur from 12.05.2026 to 29.05.2026 reflects that the bail application of the detenu was repeatedly adjourned on 18.05.2026 and 20.05.2026, and on 22.05.2026. Both the parties submitted before the Court that the alleged incident had

occurred at Village- Murliwala, Police Station- Jaspur, District- Udham Singh Nagar, Uttarakhand, and therefore the entire proceedings fall within the territorial jurisdiction of the State of Uttarakhand. The order sheet further records that the Investigating Officer also submitted a report on 27.05.2026, confirming that the entire incident took place within the jurisdiction of Police Station Jaspur, District- Udham Singh Nagar. Despite these findings, the detenu continued to remain in judicial custody at District Jail, Rampur.

16. The Investigating Officer, Shri Ravindra Singh Bhati, Police Station Tanda, District Rampur, submitted report dated 27.05.2026 before the Court of the learned Sessions Judge, Rampur, stating therein that during the course of investigation it had been found that the entire incident, as alleged in the present case, had occurred at Village Murliwala, Police Station Jaspur, District- Udham Singh Nagar, Uttarakhand. The report further records that although the FIR had been registered at Police Station Tanda, Rampur, the detenu had already surrendered before the Court and was lodged in District Jail, Rampur yet the investigation revealed that the matter did not fall within the territorial jurisdiction of District- Rampur.

17. The report dated 27.05.2026, submitted by the investigating officer, reveals that the charge sheet has been submitted before the court of the learned Chief Judicial Magistrate, Rampur. Hence, the petitioner applied before the Copying Department, District Court, Rampur, for obtaining certified copies of the chargesheet and the cognizance order relating to the present case. The said folio, dated 30.05.2026, was duly processed, and in response thereto, the Copying Department submitted a report dated 02.06.2026 stating that, in compliance with the order of the learned Chief Judicial Magistrate dated 30.05.2026 that the entire case record, including the chargesheet and connected papers, had already been returned to the Investigating Officer for further proceedings before the competent court having territorial jurisdiction. Consequently, the certified copies sought by the petitioner could not be supplied as the record was no longer available in the court.

18. The petitioner also submitted a folio dated 30.05.2026 before the Copying Department, District Court, Rampur, seeking certified copies of (i) the order dated 30.05.2026 passed by the learned Chief Judicial Magistrate, Rampur, and (ii) the application submitted by the Investigating Officer in connection with the present case. In response to the said folio, the Copying

Department furnished a short report dated 02.06.2026 stating that, in compliance with the order of the Learned Chief Judicial Magistrate dated 30.05.2026, the entire case record, including the order, the I.O.'s application, and all connected papers, had already been returned to the Investigating Officer for further proceedings before the competent court having territorial jurisdiction. Consequently, the certified copies sought by the petitioner could not be supplied as the record was no longer available in the court.

19. The petitioner also submitted an Enquiry Form dated 30.05.2026 before the Court of the learned Chief Judicial Magistrate, Rampur, seeking information regarding (i) whether the detenu had been sent to District Jail, Rampur on 11.05.2026 upon surrender, and (ii) whether any release order had thereafter been issued by the Court. In response to the said enquiry, the office furnished a reply dated 06.06.2026 stating that no release order had been issued in respect of the detenu. The reply further records that the entire case record pertaining to Case Crime No. 160 of 2026 was not available in the Court, and therefore, a complete response to the enquiry could not be provided.

20. The petitioner also submitted an Enquiry Form dated 02.06.2026 before the Court of the Learned Chief Judicial Magistrate, Rampur, seeking information as to (i) whether the detenu was in judicial custody since 11.05.2026, and (ii) whether cognizance in the present matter had been taken without territorial jurisdiction. In response to the said enquiry, the office issued a reply dated 02.06.2026 stating that the questions could not be answered as the entire case record relating to Case Crime No. 160 of 2026 was not available in the Court. Thereafter, a further reply dated 04.06.2026 was furnished, clarifying that in compliance with the order dated 30.05.2026, the complete record had already been returned to the Investigating Officer, and therefore neither the fact of custody nor the issue of cognizance could be verified from the court record.

21. The bail refusal order dated 01.06.2026, passed by the learned Sessions Judge, Rampur, in the bail application of the detenu, records that based on further investigation, the entire incident was found to have occurred within the territorial jurisdiction of Police Station- Jaspur, District- Udham Singh Nagar, Uttarakhand, and that the complete case record, including the chargesheet and case diary, had been returned to the competent court in Uttarakhand pursuant to the order of the Learned Chief Judicial Magistrate

dated 30.05.2026. Relying upon this, the Learned Sessions Judge held that the detinue was no longer shown as being in custody in any case within District- Rampur and, therefore, declared the bail application to have become infructuous, without deciding it on merits.

22. The petitioner submitted an inspection application before the Inspection and Search Section, District Court, Rampur, seeking to inspect the record relating to the present case. The Ahalmad submitted a report dated 04.06.2026 stating that the entire case record about Case Crime No. 160 of 2026 was not available in the Court, as the same had already been returned to the Investigating Officer in compliance with the order dated 30.05.2026 passed by the Learned Chief Judicial Magistrate, Rampur. It was further stated that, in the absence of any record in the Court, neither of the questions raised in the inspection application could be answered. Relying upon the said report, the charge Officer, Inspection and Search Section, passed an order dated 05.06.2026 disposing of the inspection application.

23. The petitioner also submitted an application dated 01.06.2026 under Section 6 of the Right to Information Act, 2005, before the Public Information Officer, District Jail, Rampur, seeking information regarding the period of judicial custody of the detinue in connection with the present case. In the said RTI application, the petitioner specifically requested details as to whether the detinue had been lodged in District Jail, Rampur, since 11.05.2026, and further sought the exact dates indicating the duration for which the detinue remained confined in the said jail.

24. Learned counsel for the petitioner submits that pursuant to Section 197 of the B.N.S.S., 2023, every offence shall ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed. Both the investigating officer, vide Case Diary Parcha No. 6 dated 12.05.2026, and his subsequent detailed police report dated 27.05.2026, have explicitly conceded that the entire alleged incident transpired at village Murliwala, Police Station- Jaspur, District- Udham Singh Nagar, which falls exclusively under the territorial domain of the State of Utrakhand.

25. When the learned Chief Judicial Magistrate, Rampur took cognizance of the total lack of territorial jurisdiction and passed the order dated 30.05.2026 returning the entire case record, charge sheet and connected documents to the investigating officer for onward submission to the

competent court in Uttarakhand, the procedure was governed by the statutory spirit of Section 224 of the B.N.S.S, 2023. It is a natural legal corollary under the B.N.S.S that once a court officially divests itself of a case file due to a total lack of jurisdiction and returns the record, it automatically loses statutory authority to perpetuate or renew the detention of the accused under Section 187 of the B.N.S.S, 2023.

26. The impugned order dated 30.05.2026 passed by the learned Chief Judicial Magistrate, Rampur, whereby the entire case record (including the charge sheet and connected papers) was physically returned to the investigating officer for onward submission to a competent court in Uttarakhand by observing lack of territorial jurisdiction, but without passing a simultaneous mandate for either the transit remand or the immediate legal release of the detinue, thereby leaving him in a total jurisdictional vacuum.

27. The impugned order dated 01.06.2026 passed by the learned Sessions Judge, Rampur in the first bail application of the detinue, declares the bail plea as "*infructuous*" on the hollow, paper-based observation that the detinue was no longer shown as being in custody in any case within District Rampur, while completely disregarding the material reality that the detinue remained physically locked behind the bars of the very same district.

28. Any valid detention under the framework of the B.N.S.S, 2203, requires a "live", signed, and running judicial remand warrant under Section 187 of the Sanhita, issued by a Magistrate possessing active seisin over the case record file, which cannot exceed more than fifteen days at a time. As confirmed by the office of the learned Chief Judicial Magistrate, Rampur via its reply dated 06.06.2026, no custody order/warrant has been issued by the Rampur District Judgeship. Concurrently, no competent Magistrate in District- Udham Singh Nagar (Uttarakhand) has issued a valid, fresh judicial remand or transit warrant because the physical body of the detinue has never been formally produced before them as mandated by the overriding protections of the Sanhita. Moreover, the judicial custody of the petitioner was required to be converted under section 346 of B.N.S.S (309 Cr.P.C.), which also cannot exceed more than fifteen days.

29. The impugned Continuous, active, ongoing, and forcible physical confinement of the detinue inside District Jail, Rampur, without any judicial custody remand either u/s. 187 B.N.S.S or u/s. 346 B.N.S.S is completely

illegal and decoupled from any lawful judicial process and lacks any support of a legal framework provided through B.N.S.S.

30. The continuous physical confinement of the detinue inside District Jail, Rampur, after the return of the judicial case record on 30.05.2026, is completely decoupled from any lawful judicial process and constitutes purely executive, arbitrary confinement. The state machinery cannot bypass the strict conditional protocols of Section 57 and Section 58 of the B.N.S.S, 2023, which prohibit any form of detention lacking explicit, continuous, and competent judicial authorization. Keeping a citizen locked behind bars while the subordinate judiciary in Rampur holds no active legal records or files about his custody is a gross distortion of due process.

31. The order dated 01.06.2026 passed by the Learned Sessions Judge, Rampur, which dismissed the detinue's first bail application as infructuous on the technical observation that the detinue "is no longer shown as being in custody in any case within District Rampur", unmask an administrative absurdity. While the judicial records in District Rampur technically show zero active custody, the physical reality remains that the detinue is being kept standardly incarcerated in a prison facility located directly within District- Rampur. This glaring disconnect demonstrates that the detinue is trapped in an absolute "jurisdictional vacuum", violating his fundamental rights under Articles 21 and 22 of the Constitution of India.

32. The factum of the continuous, unconstitutional, and forcible physical confinement of the detinue inside District Jail, Rampur, is conclusively established by the vakalatnama executed by the detinue in favour of his counsel for the purposes of filing the instant Writ Petition. The said vakalatnama has been signed by the detinue from inside the jail premises and has been formally verified and countersigned by the competent Jail Authority of District Jail, Rampur. This undisputed documentary fact tears down any bureaucratic smoke screen and stands as living proof that the detinue is being kept behind bars by the State machinery in Rampur without a shred of legal sanction or active judicial remand.

33. The verification of the vakalatnama by the Jail Authority, District Jail, Rampur, creates an insurmountable legal paradox for the Respondent authorities. On one hand, the Learned Sessions Judge, Rampur, vide order dated 01.06.2026, has noted on record that the detinue is no longer shown in

custody in any case within District Rampur, thereby rendering his bail application infructuous. On the other hand, the prison administration of the very same district is certifying his physical incarceration within their barracks. A citizen's fundamental right to personal liberty under Article 21 of the Constitution cannot be negotiated through such structural contradictions; keeping a person in jail while declaring his judicial custody "non-existent" on paper transforms the detention from a judicial process into an outright administrative kidnapping and wrongful confinement.

34. Learned A.G.A has filed counter affidavit stating that during further investigation directed by the learned Chief Judicial Magistrate, Rampur vide order dated 29.05.2026 it was found that the incident took place in village-Murliwala, Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand) as such the Additional Chief Judicial Magistrate, Rampur returned the entire case diary to the investigating officer are directed vide its order dated 30.05.2026 to provide entire case diary to the investigating officer for further investigation. The investigating officer thereafter requested Superintendent of Police, Rampur for transferring the investigation to Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand). Superintendent of Police, Rampur sent letter dated 08.06.2026 to I.G., Kumayu Range, District Nainital, Uttarakhand along with entire case diary making request to do needful in the matter. After receipt of letter the Superintendent of Police, Rampur dated 08.06.2026 the aforesaid Case Crime No. 160 of 2026 has been registered (converted) as Case Crime No. 230 of 2026, under Sections- 109(1), 115(2), 351(3), 352 of B.N.S at Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand) against the petitioner and four others and investigation is pending. The bail application of the petitioner has been disposed of by learned Sessions Judge on 01.06.2026 holding there in that since the incident place has been found at Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand) and further investigation is going on and thereafter the bail application has become infructuous.

35. The petitioner himself surrendered before Chief Judicial Magistrate, Rampur and now the matter has been transferred to Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand) where investigation is going on.

36. After hearing the rival submissions, we find that the legal proposition

regarding the maintainability of a Writ of Habeas Corpus in cases of unauthorized executive detention or mechanical remand is thoroughly settled by the Hon'ble Supreme Court of India. In the landmark case of *In the matter of Madhu Limaye and Others, (1969) 1 SCC 292*, the Hon'ble Apex Court authoritatively held that the physical confinement of a person without a valid, live, and legally sustainable judicial remand order is per se illegal. The Hon'ble Court ruled that a return showing a dynamic chain of custody cannot validate an initial or continuing illegality if the core judicial warrant authorizing the detention is absent or void. This squarely applies to the detenu's case, as he has been left in a complete judicial vacuum since 30.05.2026 without any running remand warrant under Section 187 of the B.N.S.S., 2023.

37. Furthermore, the Hon'ble Supreme Court in the case of *Ram Narayan Singh v. State of Delhi, AIR 1953 SC 277*, held that in habeas corpus proceedings, the court must look at the legality of the detention on the date of the return (hearing). The Apex Court observed that: "In habeas corpus proceedings, the Court is to have regard to the legality or otherwise of the detention at the time of the return and not with reference to the institution of the proceedings." Applied to the present facts, since the file was physically returned by the Learned Chief Judicial Magistrate, Rampur, on 30.05.2026, there is no active court record or authorized warrant in District- Rampur to extend his judicial custody remand order/warrant to legalize his jail detention. Therefore, on the date of the hearing of this petition, his continuous stay in the District Jail, Rampur, lacks any judicial/administrative sanction authorized by law, rendering it completely illegal.

38. The Hon'ble Supreme Court, in *State of Binar v. J.A.C. Saldanha, (1980) 1 SCC 554* and subsequent rulings, has observed that the executive (police or jail authorities) cannot assume the powers of the judiciary. Once the court of the Learned Chief Judicial Magistrate, Rampur, divested itself of the case record and became functus officio due to a lack of territorial jurisdiction, the jail authorities could not automatically or mechanically prolong the physical custody of the detenu inside the District Jail, Rampur. In the absence of an explicit transit remand order or a running judicial custody warrant from a competent court of law holding active seisin over the case file, hence, the jail administration has turned into an arbitrary detaining authority, which is strictly prohibited under Article 21 of the Constitution of India.

39. There does not appear to be any valid, running, or subsisting judicial custody remand warrant issued by any court of competent jurisdiction authorizing the detention of the detenu in District Jail, Rampur. The clerical report submitted by the Court Moharir dated 11.05.2026 is merely an administrative record and cannot substitute a formal judicial warrant of remand as strictly mandated under Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.). In the absolute absence of a live, signed, and legally sustainable judicial remand order, the continuous physical incarceration of the detenu inside District Jail, Rampur, is completely unauthorized, stripping the detention of any legal sanctity and rendering the instant Writ of Habeas Corpus wholly maintainable before this Court.

40. The procedure adopted by the Learned (Chief Judicial Magistrate, Rampur, via order dated 30.05.2026, and subsequently noted by the Learned Sessions Judge, Rampur, vide order dated 01.06.2026 whereby the entire case record, including the charge-sheet, case diary, and judicial order sheets, was physically divested and handed back to the Investigating Officer without passing a simultaneous transit remand or explicit release order is completely illegal, and an unprecedented anomaly unrecognized by the established procedures of criminal law. It is a fundamental tenet of the B.N.S.S., 2023, that law cannot orphan a prisoner; by returning the entire judicial record to the executive (police) while leaving the detenu physically caged within the district judgeship without an active judicial file or active remand warrant, the subordinate judiciary has committed gross procedural illegality.

41. The continuous physical confinement of the detenu inside District Jail, Rampur, without the existence of an active judicial case record, pending investigation inside the district, or a valid, running judicial remand warrant under Section 187 of the B.N.S.S., 2023, constitutes a continuous day-to-day wrong and a recurring injury to his personal liberty. Every single hour the detenu spends behind bars under these circumstances deepens a gross and incurable infraction of Article 21 of the Constitution of India, which can neither be compensated in terms of money nor regularized by any subsequent administrative actions.

42. The petitioner has been implicated in this case by his wife and there is matrimonial dispute between them. The couple along with three children were residing in village Abhay Nagar, Tanda and F.I.R was initially lodged at District Rampur. The police station Rampur, District- Udham Singh Nagar

(Uttarakhand) on the basis of some cause of action shown in village Murliwala. Therefore, it is clear that no cause of action arose at District Rampur. Earlier it arose at Tanda and now the police has found that the same occurred in Police Station- Jaspur, District- Udham Singh Nagar (Uttarakhand). Therefore, the confinement of the petitioner in Rampur where no proceedings is pending was absolutely illegal. He has been shifted to District Jail Haldwani and already been directed to be released from District Jail, Haldwani by the order dated 03.07.2026 by this court vide powers vested under Article 226(2) of the Constitution of India.

43. The interim order is made absolute. The detention of the petitioner in District Jail, Rampur is held to be illegal and all proceedings at Rampur initiated against the petitioner are held to be illegal.

44. The writ petition is **allowed**.

45. However, the investigation at Jaspur, District- Udham Singh Nagar (Uttarakhand), shall not be affected by this order and shall proceed in accordance with law of remand in the State of Uttarakhand.

July 8, 2026
Rohit

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