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

+ **W.P. (CRL) 3239/2025**

KAPOORI BAI

.....Petitioner

Through: Mr. Archit Krishna, Mr. Maheshwari
Mawase and Mr. Himanshu Kunjam, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.), GNCTD (through VC).

Ms. Priyam Aggarwal, Advocate for GNCTD.

Insp. Ashu Girotra, PS: Hari Nagar.

Insp. Dinesh Kumar, PS-Janak Puri.

Mr. Vikram Singh Rathore, Inspector, PS:
Pushkar, Rajasthan (through VC).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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30.09.2025

1. This writ petition is filed by the Petitioner under Article 226 of the Constitution of India and Section 528 of BNSS for issuance of a writ in the nature of *habeas corpus* for production of Petitioner's son namely S, s/o Kalu @ Kaliya along with her relative's son R, s/o Sheru.

2. It is Petitioner's case that Petitioner is a street hawker who sells toys at the Dussehra Park near Bharti College, Janakpuri, Delhi. On 26.09.2025 at around 05:00 PM, Petitioner's son S aged 15 years along with her relative's son R aged 17 years were illegally and forcibly taken away by unknown persons dressed in civilian clothes. Relatives of the Petitioner along with her waited at the park all night but the two boys did not return. Petitioner's relatives Sarita and Yashoda went to PS: Janakpuri around



08/09:00 PM on 26.09.2025, however, they were asked to contact the officials at PS: Hari Nagar but even after visiting the said police station, there was no clue of the whereabouts of S and R.

3. It is stated in the petition that on 27.09.2025, family's counsel made several calls to PS: Janakpuri and were informed by the duty officer that there was no *Roznamcha* entry for 26.09.2025 in the names of S and R. It is alleged that despite several efforts no assistance was forthcoming from both the police stations and multiple attempts to lodge complaints of the missing persons were unsuccessful.

4. This petition was listed on 29.09.2025 upon urgent mentioning. Standing Counsel (Crl.) GNCTD was directed to file a status report and matter was adjourned for today.

5. Status report is handed over in Court and taken on record. It is stated in the report that upon enquiry from the relatives of the missing persons, it was revealed that they had received a telephonic call from an unknown number and the caller informed them that S and R were lodged at PS: Pushkar, Rajasthan. SHO, PS: Pushkar was contacted telephonically and he informed that S and R had been arrested from Delhi on 29.09.2025 at 07:10 PM and 07:30 PM, respectively pursuant to FIR No. 246/2025 dated 12.08.2025 under Sections 331(4)/305(a) of BNS, 2023 registered at PS: Pushkar. The SHO further conveyed that their mothers had been duly informed of the arrest.

6. Learned counsel for the Petitioner submits that S and R are minors, aged 15 years and 17 years, respectively and are under unlawful custody and illegal detention. It is stated that the arrest is also in violation of guidelines pertaining to inter-state arrest, elucidated by the Division Bench of this



Court in ***Sandeep Kumar v. State (Govt. of NCT of Delhi) and Others, 2019 SCC OnLine Del 11901***, which *inter alia* provide that before visiting the other State, the police officer to whom the case has been assigned and who has prior permission/sanction of the superior officers to go out of the State/UT to carry out investigation, must endeavour to establish contact with the local police station in whose jurisdiction he is to conduct the investigation and after reaching the spot of investigation, search if any, should be strictly conducted in compliance with the procedure laid down under Section 100 Cr.PC (now Section 103 BNSS) as also that the arrested person must be given an opportunity to consult his lawyer before he is taken out of State. It is urged that none of these safeguards/protocols were followed in the present case.

7. It is further urged that Petitioner apprehends that the illegal and forced detention of S and R is in response to the order dated 26.09.2025 passed by the Supreme Court in ***Hansura Bai and Anr. v. The State of Madhya Pradesh and Anr. in CONMT. Pet. (C) No. 594/2025 in Crl. A No. 2647/2025***, wherein the Supreme Court directed the Respondents to comply with the order passed in the appeal on 15.05.2025 and file a compliance report on or before 07.10.2025.

8. The very next day of the passing of the order, family members of Deva Pardhi were assaulted and beaten up for seeking justice against custodial killing of Deva Pardhi on 14.07.2025 and pertinently Petitioner and her son are relatives of Deva Pardhi. Learned counsel hands over copy of the order of the Supreme Court passed on 15.05.2025, wherein certain observations have been made with regard to the custodial death of Deva Pardhi including large number of injuries on his body, evident from the



medical documents as also involvement of police officials in the custodial death, borne out from statement of sole eye witness Gangaram Pardhi and corroborated during magisterial inquiry.

9. Mr. Sanjay Lao, learned Standing Counsel (Criminal) GNCTD who has joined Court proceedings virtually confirms that the local police was not informed before taking S and R to Pushkar and that the guidelines laid down by this Court in ***Sandeep Kumar (supra)*** have been violated.

10. Mr. Vikram Singh Rathore, Inspector, PS: Pushkar has joined Court proceedings through video conferencing and submits that S and R have been arrested in connection with an alleged robbery and will be produced before the Link Magistrate during the course of the day. It is conceded that no age verification has yet been carried out *albeit* it is submitted that medical examination was carried out on 29.09.2025 and further medical examination will be carried out during the course of the day to verify the ages of S and R. Mr. Rathore also submits that the team of police officers comprising of HC Ramswarup (No. 1611), HC Ranjeet Singh (No. 01), HC Mukesh (No. 1109), Ct. Mukesh (No. 783) and Ct. Richpal (No. 2613) had visited Delhi on 25.09.2025 and after investigation the arrests were made. On a pointed query by the Court as to whether local police was informed before visiting Delhi or even thereafter during investigation or before arrest, the answer was in the negative.

11. Having heard Mr. Rathore as also Mr. Lao and SHO, PS: Hari Nagar, we are of the view that a detailed status report needs to be filed by Standing Counsel, State of Rajasthan. Looking at the backdrop of the matter as also the sensitivity involved, considering that S and the Petitioner are relatives of Deva Pardhi, it is directed that the status report will be filed under the



signatures of Ms. Vandita Rana, SP, Ajmer, Rajasthan. The status report will be filed during the course of the day with copy to counsel for the Petitioner. It is further directed that Mr. Rathore will keep SHO, PS: Hari Nagar updated on the status of the case during the course of the day.

12. List for further consideration on 01.10.2025 at 10:30 AM.

JYOTI SINGH, J

ANISH DAYAL, J

SEPTEMBER 30, 2025/YA