



HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 805 of 2026

Muttliv

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamal Kishor Mishra, Vivek Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 42

HON'BLE ATUL SREEDHARAN, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present writ petition has been filed for the production of the corpus of Muttliv who is said to have gone missing. Muttliv son of Sharaft is stated to be a history sheeter with about thirty cases registered against him in various police stations of District Muzaffarnagar. He was recipient of the bail order dated 17.12.2025 passed by this Court and pursuant thereto, he was released on 04.05.2026.
3. The case of the petitioner is that Muttliv and his father were detained by the police of Police Station Purkajipur, District Muzaffarnagar on 04.05.2026 immediately upon his release. However, his father was left by the police on 07.05.2026. Thereafter, the petitioner Muttliv remains missing and, therefore, the present writ petition has been filed by his brother Alam as next of kin.
4. The case of the State is that after the petitioner Muttliv was released on 04.05.2026, the police was searching him on 04.05.2026 for the execution of the warrant issued by the learned trial court in Session Trial No.1344 of 2012. The said warrant was received by Police Station on 18.06.2026 which is also the date on which non-

bailable warrant was issued by the learned trial court. However, learned counsel for the State has submitted before this Court earlier, that the warrant was issued on 13.05.2026. All these facts have elaborately been laid down in the order passed by this Court on 11.08.2026.

5. Today, Dr. Manvendra Singh Bhati, SHO of Police Station Purkajipur has appeared before this Court in person and has informed the Court that pursuant to the order passed by this Court as hereinabove on 11.08.2026, he has constituted a special team to find the whereabouts of missing Muttliv vide his order dated 15.08.2026.

6. This Court finds that all actions being taken by the police pursuant to the orders of this Court having seriously taken up the issue relating to the disappearance of Muttliv. This Court asked Dr. Manvendra Singh Bhati, SHO as to what actions were taken after 15.08.2026 to which he has placed before this Court GD entries which are relevant to the actions taken by the team after 15.08.2026.

7. Having gone through the same, this Court expresses its displeasure with the casual and cavalier manner in which the police are acting and all that the GD entries go to show that the team is going around various places of prominent public gatherings like bus stands, Government's offices etc. and pasting the photograph of the petitioner Muttliv. This Court asked the worthy SHO if any statement of the persons known to the corpus have been recorded, whether anyone had seen the petitioner Muttliv on a date after 04.05.2026. This Court also asked the worthy SHO whether the statement of the petitioner herein, other relatives of Muttliv, his neighbours and his friends and other associates were recorded to inquire the whereabouts of Muttliv to which the answer is disappointingly in the negative. The same shows that there is no action on the part of the police in right earnest with the intention of discovering the whereabouts of Muttliv, but instead, the police is managing to prolong

the matter before this Court.

8. The absence of Muttliv can lead two inferences, one that on account of his criminal history, he has been done away by the police and his remains interred somewhere or Muttliv himself being a person with long history of criminal cases is keeping himself in hiding so as to escape the process of justice. Either ways, an answer with regard to the whereabouts of Muttliv is absolutely essential. If he is dead, his remains must be found and responsibility must be fixed under the relevant provisions of law. If he is alive, he must be apprehended so that he may not escape the process of justice by concealing himself. Therefore, this Court feels that the local police is unable to carry out an unbiased investigation either on account of lack of competence or deliberate delay in an attempt to procrastinate the proceeding before this Court.

9. Thus, this Court deems it essential to direct the Central Bureau of Investigation through its office which is relevant for the investigations to be carried out in the State of Uttar Pradesh, to take the case diary of this matter from the police and carry out the investigation into disappearance of Muttliv. For this, office shall send a copy of the order dated 11.08.2026 passed by this Court which is elaborate and lays down the facts of the case, the aberrations in the police records relating to the receipts and execution of the warrants, the manipulation of the date by scratching out the entry relevant for non-bailable warrants purported to have been issued against the missing corpus Muttliv, which has been admitted to by the SHO in his affidavit who has stated that the scratching was done by the constable concerned who was filling up the records which was an act of inadvertence and carelessness. This Court asked the worthy SHO with regard to the action taken by him against the erring constable whether he was suspended or whether his conduct was forwarded to the SSP of the District and whether an inquiry was conducted into

actions of the constable to ascertain if the manipulation was accidental or intentional. No answer has been forthcoming from the SHO.

10. Let a copy of this order along with copy of the order dated 11.08.2026 be served upon the Central Bureau of Investigation's office concerned which shall place a preliminary report before this Court after three weeks.

11. A copy of this order be also forwarded to the SSP, Muzaffarnagar, for necessary action and to ensure that all such assistance required by the CBI for conducting a fair and neutral investigation is given by the district authorities.

12. Further presence of the worthy SHO, Dr. Manvendra Singh Bhati is dispensed with.

13. Put up this case on 28.09.2026 as fresh.

August 31, 2026

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(Achal Sachdev,J.) (Atul Sreedharan,J.)