



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

HABEAS CORPUS WRIT PETITION No. - 417 of 2025

Vivek Singh Thru. His Father Kamlesh Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And Others

.....Respondent(s)

| | | |
|---------------------------|---|--------------------------------------|
| Counsel for Petitioner(s) | : | Vyomesh Chandra Shukla, Manish Kumar |
| Counsel for Respondent(s) | : | G.A. |

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.**

1. Heard.
2. Instant Habeas Corpus writ petition has been filed contending that the petitioner was arrested on 07.11.2025 and till filing of the writ petition i.e. 10.11.2025, he had not been released.
3. It is also contended that no ground for arrest had been given.
4. Specific averment has been made in para 13 of the writ petition that when the father of the petitioner reached at the Police Station P.G.I. and asked to meet his son, no reply was given neither he was allowed to meet him and he was thrown out from the police station.
5. Further contention is that an application dated 09.11.2025, a copy of which is Annexure-2 to the petition, was sent to the Police Commissioner through registered post but of no avail.
6. Responding learned A.G.A. on the basis of instructions sent by Shri Ashok Kumar Singh, Senior Sub-Inspector, P.G.I. dated 11.11.2025 states that the petitioner has been arrested on 10.11.2025 and the remand which has been refused by the learned Additional Chief Judicial Magistrate on the same day i.e. 10.11.2025.
7. However, considering the averments as made in the writ petition, let a

personal affidavit of the Commissioner of Police, Police Commissionerate, Lucknow i.e. respondent No.2 be filed within a period of two weeks responding to the averments made in the writ petition including the application dated 09.11.2025.

The affidavit shall also contain the Call Details Record and location of the mobile number as indicated in the said application.

8. List this case on 02.12.2025 as fresh.

9. In case personal affidavit is not filed, then respondent No.2 shall appear in person along with the record to assist the court.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

November 18, 2025

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| Counsel for Petitioner(s) | : | Vyomesh Chandra Shukla, Manish Kumar |
| Counsel for Respondent(s) | : | G.A. |

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. Learned AGA prays for and is granted a week's further time to file the personal affidavit of the Commissioner of Police, Lucknow, in terms of order of this Court dated 18.11.2025. List this case on 09.12.2025.
2. In case the personal affidavit is not filed then respondent no.2 shall appear in person along with records to assist the Court.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

December 2, 2025
A. Katiyar



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.....Respondent(s)

Counsel for Petitioner(s) : Vyomesh Chandra Shukla, Manish
Kumar

Counsel for Respondent(s) : G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE RAJEEV BHARTI, J.

As prayed by learned A.G.A., list this case on **16.12.2025** in terms of
earlier order of this Court.

(Rajeev Bharti,J.) (Abdul Moin,J.)

December 9, 2025

Anand/-



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Lko. And Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Vyomesh Chandra Shukla, Manish Kumar |
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Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

In pursuance to the earlier order of this Court, a personal affidavit of the Commissioner of Police, Lucknow along with the call record and the location of the petitioner's mobile phone (Annexure-4) filed today is taken on record.

A perusal of the same indicates that there is no call record and location of the petitioner subsequent to 7.11.2025 at 15:49 hours. On 9.11.2025, an SMS appears in the petitioner's mobile phone at 15:05 hours which indicates the location at plot part of Khasra No. 2389, Village Haiwat Mau, Mawaiya Ward, Ibrahimpur, Tehsil Sadar, District Lucknow.

Learned AGA prays for and is granted two weeks' time to file an affidavit of Commissioner of Police, Lucknow specifically indicating the location of the police station, PGI Lucknow as well as specific record of the aforesaid plot. The said personal affidavit should also indicate the last location of the petitioner as per mobile detail records and about the CCTV footage of the said police station for 9.11.2025 to indicate as to whether it shows the presence of the petitioner inside the police station.

List this case on 16.1.2026.

In case the said affidavit is not filed, the Commissioner of Police, Lucknow shall appear in person before this Court on the next date of

listing along with the record to assist the Court.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

December 16, 2025
AKK



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

HABEAS CORPUS WRIT PETITION No. - 417 of 2025

Vivek Singh Thru. His Father Kamlesh Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s) : Vyomesh Chandra Shukla, Manish
Kumar

Counsel for Respondent(s) : G.A.

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE ZAFEER AHMAD, J.**

1. Shri S.M.Singh Royekwar, learned Additional Advocate General submits that in compliance of the order dated 16.12.2025, affidavit of Commissioner of Police, Lucknow has been prepared, however, an annexure, inadvertently, has wrongly been annexed with the affidavit, therefore, he prays that three days further time may be granted to him for filing affidavit of Commissioner of Police, Lucknow in terms of the order dated 16.12.2025.
2. As prayed, time is allowed.
3. Learned Additional Advocate General further submits that the petitioner was arrested by the Cyber Crime Police, Police Station Coimbatore, State of Tamilandu, therefore, the petitioner is required to implead the concerned police station in the array of the opposite parties in the petition.
4. Learned Counsel for the petitioner seeks time.
5. As prayed, list on 21.01.2026 in terms of order dated 16.12.2025.

(Zafeer Ahmad,J.) (Rajnish Kumar,J.)

January 16, 2026
Ajit



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Lko. And Others

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Counsel for Petitioner(s) : Vyomesh Chandra Shukla, Manish
Kumar
Counsel for Respondent(s) : G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.**

(Order on I.A. No. NIL of 2026)

1. This is an application for impleadment of Police Station Cyber Crime Police, District Coimbatore, State Tamil Nadu as respondent No.4 in the array of parties, which is taken on record.
2. Learned counsel for the respondents has no objection.
3. On due consideration, the application is allowed.
4. Let the respondent No.4, as per the details given in the application, be impleaded within three days in the array of parties.
5. After impleadment, issue notice to the newly impleaded respondent No.4. Steps be taken within three days.

(Order on Memo of Petition)

6. Personal affidavit of the Commissioner of Police, Commissionerate Lucknow and a reply thereto filed today are taken on record.
7. Heard Shri Manish Kumar, learned counsel for the petitioner and Shri S.M. Singh Royekwar, learned Additional Advocate General assisted by Shri Y.K. Singh, learned A.G.A. for the State-respondents.

8. Considering the allegations as levelled in the F.I.R., it would be in the fitness of things that the CCTV footage of the Police Station P.G.I., District Lucknow for the period from 07.11.2025 to 09.11.2025 should be preserved.

9. At this stage, Shri Royekwar states that on account of technical glitch in the CCTV that is installed at the Police Station P.G.I, District Lucknow, the CCTV footage has not been recorded as has specifically been averred in paragraph 6 of the personal affidavit filed today. In paragraph 7 of the said affidavit, it has been indicated that a preliminary enquiry has been set up on 13.01.2026 for the said purpose.

10. However, the aforesaid personal affidavit does not indicate as to from when the backup of the CCTV footage is not being preserved.

11. The matter is serious inasmuch as, the Hon'ble Supreme Court in the case of the **Paramvir Singh Saini vs. Baljit Singh & Ors. 2021 (1) SCC 184**, vide order dated 02.12.2020, has directed for preservation of the CCTV footage for a period of 18 months / 1 year / at least 6 months. The circular issued by the Director General of Police, State of U.P. dated 20.06.2025 has directed for preservation of the CCTV footage for at least two to two and a half months and, thus, the non-preservation of the CCTV footage and now indicating before the Court that on account of technical glitch since long the CCTV footage has not been recorded / preserved, apart from the fact that the same is running in the gross contempt of the order passed by the Hon'ble Supreme Court in the case of **Paramvir Singh Saini (supra)**, is also violative of the directions issued by the Director General of Police dated 20.06.2025.

12. It cannot be a case that the authorities can shift the blame for non-preservation of the CCTV footage on "technical glitch".

13. The matter is serious, as such, let the Principal Secretary (Home), U.P. himself inquire into the matter as to why the CCTV footage has not been preserved and if the excuse is of "technical glitch" as to when the said technical glitch has been discovered and if the preliminary enquiry has only been ordered on 13.01.2026 as to what took the respondent-authorities such a long period of time to discover

that the CCTV footage is not being preserved.

14. Further, in paragraphs 6(3) & (4) of the personal affidavit of the Commissioner of Police which has been filed today, it has been indicated that the location of the phone of the petitioner on 09.11.2025 after being switched-on has been found to be within 200 mtrs. from the place where the petitioner has been arrested by the police of Cyber Crime Police Station, Tamil Nadu on 10.11.2025. It is a strange coincidence, if at all it can be considered to be a coincidence! This aspect of the matter shall also be indicated by the Principal Secretary (Home), U.P. while filing his personal affidavit.

15. Let the personal affidavit of the Principal Secretary (Home), U.P. be filed within three weeks.

16. List this case on 18.02.2026.

17. In case the personal affidavit is not filed, then the Principal Secretary (Home), U.P. shall appear in person along with records to assist the Court on the said date.

January 21, 2026
S. Shivhare

(Mrs. Babita Rani,J.) (Abdul Moin,J.)