



2026:CGHC:3546-DB
AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 11 of 2026

1 - Sujeet Sao S/o Sharda Prasad Sao Aged About 49 Years R/o Opposite Kohka Mosque, Kurud Road, Kohka, Chowki Smriti Nagar, P.S. Supela Bhilai, Durg, Chhattisgarh.

2 - Sujeet Kumar Sao S/o Madhusudhan Sao Aged About 32 Years Near Sinha Bhavan, Sanatan Nagar Kohka, Bhilai, Choki Smiriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

3 - Jigar Sao @ Bhanu S/o Jagdish Sao Aged About 27 Years R/o Makan No. 156, Bhatapara, Kohka, Bhilai Chowki, Choki Smiriti Nagar, Thana Supela, Distt. Durg, C.G. Working As A Consultant At Presently Working As Engineert At Capgemini Co. Bangalore Karnataka.

4 - Sagar Sao @ Raja S/o Jagdish Prasad Sao Aged About 29 Years R/o Makan No. 156, Bhatapara, Kohka Bhilai Chowki, Choki Smiriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

5 - Shivpoojan Kumar S/o Dilip Sao Aged About 20 Years R/o Village Dhamarbhindha Ward N O. 5, Thana Tilhada, Distt. Nalanda Bihar. Presently Residing At Opposite Kohka Mosque, Kurud Road, Kohka, Chowki Smiriti Nagar, P.S. Supela Bhilai, Distt. Durg, Chhattisgarh.

... Petitioners

versus

1 - State of Chhattisgarh Through Secretary, Home Department, Raipur, Chhattisgarh.

2 - Guruinder Singh Siddhu, SHO Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

3 - Satya Prakash Tiwari CSP, P.S. Supela, Distt. Durg, Chhattisgarh.

4 - Harish Singh ASI, Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

5 - Dharamsheela Yadav Head Constable, Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

6 - Atmanand Kosre Head Constable, Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

7 - Koshlendra Singh Constable, Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

8 - Harisht Shukla Constable, Police Chowki Smriti Nagar, Thana Supela, Distt. Durg, Chhattisgarh.

9 - Superintendent of Police Distt. Durg, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Awadh Tripathi, Advocate
For State/Respondents	:	Mr. Vivek Sharma, Advocate General assisted by Mr. Praveen Das, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

21.01.2026

1. Heard Mr. Awadh Tripathi, learned counsel for the petitioners as well as Mr. Vivek Sharma, learned Advocate General assisted by

Mr. Praveen Das, learned Additional Advocate General, appearing on behalf of the State-respondents.

2. The present petition has been filed by the petitioners with the following relief(s):-

“1) That, the Hon'ble Court may kindly be pleased to allow this petition and direct the respondents to take strict action against the respondent no. 2 to 8 ie. departmental action, providing compensation to the petitioners and also initiate proceedings against the respondent no. 2 to 8 for non-compliance of the guidelines which has been passed by in the case of D.K. Basu V/s State of West Bengal, Arnesh Kumar, and Satendra Kumar Antile, in the interest of Justice.

2) That, the respondents may also be directed to conduct any further inquiry or investigation procedure with respect to the petitioners under the CCTV Camera and also directed the respondent no. 2 to 8 not to implicate the petitioner in false and frivolous case in the future without preliminary inquiry if any required in future so that further arbitrary and illegal action may be prevented, in the interest of Justice.

3) Any other relief which this Hon'ble Court may deem fit and proper may also be passed in favor of the petitioner.”

3. Brief facts of the case in a nutshell are that on 22.10.2025, petitioner No.1 along with his wife, two daughters and one son had gone to watch a movie at about 10:00 PM at PVR Cinemas,

Surya Mall, Junwani, District Durg (C.G.). At the same time, the complainant Smt. Alka Gupta was also present in the said theatre along with her husband and son. While entering the seating area, due to an existing injury in the leg of the wife of petitioner No.1, an inadvertent physical contact took place between her and the complainant, upon which a minor verbal exchange ensued between the two families. The issue was trivial in nature and did not involve any violence. However, the theatre staff intervened and called the police, whereupon personnel of Police Station Smriti Nagar reached the spot.

4. Respondent Nos.02 to 08 were already harbouring malafide and ill-will against the family of the petitioners, as a relative of petitioner No.1, namely Aakash Kumar Sahu, had earlier been subjected to police torture by the same police station. Against such custodial torture and humiliation, the said Aakash Kumar Sahu had filed WPCR No.553/2025, wherein this Hon'ble Court, after noticing the prima facie police excesses, was pleased to issue notice. On account of the aforesaid background, respondent Nos.02 to 08, with a pre-determined and vindictive intent, deliberately chose not to record the version of petitioner No.1 and his family members. Instead, they exerted undue pressure upon the complainant Smt. Alka Gupta and maliciously distorted the trivial incident, giving it an altogether false colour of offences involving outraging the modesty of a woman. Acting under such malafide intent, the police registered Crime No.1273/2025 for

offences under Sections 74, 191, 126, 296, 351(3), 115(2), 121, 221 and 132 of the Bharatiya Nyaya Sanhita and further registered FIR No.1274/2025 for offences under Sections 121, 221, 132 and 191 of the Bharatiya Nyaya Sanhita, despite the fact that none of the alleged offences were made out against the petitioners.

5. The allegation of assault upon police personnel at Police Station Smriti Nagar is inherently false and wholly impossible, yet respondent Nos.02 to 08, in gross abuse of their authority, illegally detained the petitioners at the police chowki, subjected them to physical and mental torture, and deliberately violated their fundamental rights. On the next day, i.e. 23.10.2025, the petitioners were produced before the learned Judicial Magistrate First Class, where the petitioners specifically complained of custodial torture and physical assault during police custody. Taking note of the same, the learned JMFC directed respondent authorities to furnish an explanation regarding the injuries and further directed that appropriate medical examination and treatment be provided to the petitioners in accordance with law.
6. However, in brazen defiance of the judicial order, respondent Nos.02 to 08 again took the petitioners back to Police Chowki Smriti Nagar, subjected them to further torture, handcuffed them illegally and before conducting medical examination, paraded them on public roads in full public view, thereby humiliating them

and maligning their reputation. Thereafter, the petitioners were taken for medical examination to Lal Bahadur Shastri Hospital, Supela, and only at about 9:30 PM were they sent to jail. Surprisingly, despite availability of several hospitals near the Durg Court, the petitioners were taken elsewhere, and even till date the medical report has neither been annexed with the charge-sheet nor has the charge-sheet been filed in Crime No.1273/2025.

7. Even after the order of judicial remand dated 23.10.2025, respondent Nos.02 to 08 exceeded all constitutional limits by parading the petitioners, who have no criminal antecedents and are educated businessmen with good social standing, throughout the city in handcuffs, forcing them to shout derogatory slogans such as *“Apradh Karna Paap Hai, Police Hamara Baap Hai”*. Videos of the said illegal acts were deliberately circulated in print and electronic media, causing irreparable damage to the dignity and reputation of the petitioners. The arbitrary conduct of the police was also noticed by the learned Additional Sessions Judge, Durg, who, while hearing the bail application, observed that the conduct of the police was not upto the mark and was an abuse of power violative of constitutional rights.
8. Significantly, the complainant Smt. Alka Gupta herself appeared before the learned Additional Sessions Judge and categorically stated on affidavit that petitioner No.1 and his family members were merely watching the movie, and except for a minor

exchange of words due to a seating issue, no untoward incident had taken place. She also submitted her no-objection to grant of bail to petitioner No.1. The conduct of respondent Nos.02 to 08, therefore, warrants strict departmental action as well as contempt proceedings for willful disobedience of judicial directions and blatant abuse of police power.

9. Learned counsel for the petitioners submits that respondent Nos.2 to 8, despite being fully aware that the petitioners are not criminals and have no criminal antecedents, deliberately and with malafide intention acted in a manner intended to humiliate and demean them. It is submitted that the petitioners were illegally confined during the intervening night of 22/23.10.2025 inside the police chowki and were subjected to physical as well as mental torture. It is further submitted that the arrest of the petitioners in Crime Nos.1273/2025 and 1274/2025 is ex facie illegal and contrary to the settled position of law. The alleged offences are not punishable with imprisonment exceeding five years, yet respondent Nos.2 to 8 proceeded to arrest the petitioners without following the mandatory guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar and Satender Kumar Antil v. CBI, (2014) 8 SCC 273***. No opportunity was afforded to the petitioners to furnish bail bonds, and the statutory safeguards against unnecessary arrest were completely disregarded.

- 10.** Learned counsel further submits that even after intervention by the learned Judicial Magistrate, respondent Nos.2 to 8 deliberately disobeyed the judicial directions by not conducting prompt medical examination of the petitioners. On the contrary, the petitioners were illegally handcuffed and paraded in public view, which constitutes a clear violation of their fundamental rights and amounts to wilful non-compliance of the order passed by the learned Magistrate. It is submitted that the petitioners are not habitual offenders and were involved, for the first time, in a trivial and spontaneous dispute that arose inside a cinema hall. There was no likelihood whatsoever of repetition of any alleged offence. Thus, the coercive action taken by the respondents is wholly disproportionate, arbitrary and completely violative of the constitutional guarantees of personal liberty and freedom enshrined under Article 21 of the Constitution of India.
- 11.** Learned counsel submits that custodial torture, cruel, inhuman and degrading treatment squarely falls within the inhibition of Article 21. The State, being a civilised State governed by the rule of law, cannot permit its police officials to trample upon the rights, liberty and dignity of citizens. The duty of the respondent-State to protect life and liberty is strict and admits of no exception. The wrongful acts of respondent Nos.2 to 8 are attributable to the State, which is vicariously liable for the constitutional wrong committed during police custody. It is further submitted that the petitioners were not only illegally arrested in utter violation of

procedural safeguards but were also subjected to third-degree methods with clear mala fide intention, which is impermissible in law. The acts complained of disclose a blatant abuse of police power and amount to custodial violence.

- 12.** Learned counsel submits that respondent Nos.2 to 8 have completely failed to comply with the mandatory directions and preventive safeguards issued by the Hon'ble Supreme Court from time to time to curb custodial excesses. Such non-compliance renders them liable not only for departmental proceedings but also for award of monetary compensation under public law, besides attracting proceedings under the Contempt of Courts Act. It is submitted that the law does not permit the use of third-degree methods or torture of an accused under any circumstances. The respondent police officials were duty-bound to explain the injuries found on the bodies of the petitioners. Acts of custodial violence are invariably committed behind closed doors, yet no civilised society governed by constitutional principles can tolerate or condone such conduct.
- 13.** Learned counsel submits that the Hon'ble Supreme Court has, time and again, issued binding directions to prevent police excesses and protect human dignity. In the present case, respondent Nos.2 to 8 have consciously and deliberately acted in breach of Articles 21 and 21(1) of the Constitution, and therefore are fully accountable and liable for their unconstitutional conduct.

It is finally submitted that respondent Nos.2 to 8 deserve to be held accountable for depriving the petitioners of their life, liberty and dignity. The facts of the present case clearly warrant initiation of departmental inquiry, grant of compensation under constitutional and public law remedies, and fixing of personal liability upon the erring officers for the public wrong committed by them, as they have failed to discharge their statutory and constitutional duties.

- 14.** On the other hand, learned Advocate General, assisted by learned Additional Advocate General, opposes the submissions advanced on behalf of the petitioners and submits that the entire narrative projected in the writ petition is misconceived, exaggerated and factually incorrect. It is contended that the incident dated 22.10.2025 arose out of a serious altercation at PVR Surya Mall involving the petitioners, wherein the complainant and her family members were abused and assaulted and an attempt was made to outrage the modesty of the complainant, resulting in registration of FIRs on the basis of a written complaint. Learned Advocate General submits that CCTV footage seized during investigation corroborates the prosecution version and also establishes that the petitioners misbehaved with and assaulted police personnel who intervened, causing injuries to them. It is further submitted that the petitioners were arrested strictly in accordance with law, produced before the learned Judicial Magistrate First Class on 23.10.2025 and remanded to judicial

custody after perusal of the case diary. It is contended that all procedural safeguards, including medical examination, were duly complied with and that there was no custodial torture, illegal detention or use of third-degree methods as alleged. The contention regarding handcuffing and public parading of the petitioners is specifically denied and it is submitted that the videos relied upon by the petitioners have been misconstrued, as the same merely depict a situation wherein the police vehicle had developed a mechanical fault and was being push-started.

15. Learned Advocate General further submits that the petitioners have attempted to falsely link the present incident with an earlier, unrelated matter pertaining to W.P.(Cr.) No.553/2025, whereas the said proceedings arose out of lawful police action in a missing person case wherein the relative of petitioner No.1 had obstructed police duties. It is contended that the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar** (supra) and **Satender Kumar Antil v. CBI, (2022) 10 SCC 51**, have not been violated, particularly in view of the fact that the learned Magistrate, after application of mind, remanded the petitioners to judicial custody. According to the respondents, the petitioners are not innocent victims but have suppressed material facts, including their prior conduct and antecedents, and the present writ petition is a calculated attempt to overawe the police machinery and thwart the criminal proceedings. Learned Advocate General, therefore, submits that no case of violation of fundamental rights or abuse of

police power is made out and the writ petition deserves to be dismissed.

- 16.** We have heard learned counsel appearing for the parties at length and have carefully perused the documents annexed with the writ petition. We have also taken into consideration the affidavit filed on behalf of the respondents by the Director General of Police, State of Chhattisgarh, as well as the rejoinder filed by the petitioners in response thereto.
- 17.** When the matter was taken up for hearing on 13.01.2026, learned counsel for the petitioners submitted that the present writ petition is directed against the arbitrary and high-handed actions of respondent Nos.02 to 07, resulting in gross violation of Articles 21 and 22 of the Constitution of India. It was contended that the petitioners were subjected to custodial torture, illegal handcuffing and public parading, forced to raise humiliating slogans, and their injuries were suppressed in arrest memos, all with the sole intent to harass and humiliate them. It was further submitted that respondent No.2 unauthorisedly appeared during the bail proceedings and attempted to intimidate the complainant, prompting adverse observations by the learned Additional Sessions Judge regarding arbitrary exercise of police power.
- 18.** Considering the grave and serious nature of the allegations, this Court directed the Director General of Police, State of Chhattisgarh, to file his personal affidavit explaining the conduct

of respondent No.02 in light of the allegations and the judicial observations against him.

19. In compliance with the Court's order dated 13.01.2026, the Director General of Police, State of Chhattisgarh, has filed his personal affidavit, the relevant portion of which reads as follows:

"2. It is respectfully submitted that the accused petitioners herein have preferred the present writ petition raising their grievance against respondent nos. 2 to 8, particularly respondent no.2/Gurvinder Singh Sandhu, who is posted as the Station House Officer, Police Chowki Smriti Nagar, Thana Supela, District Durg (Chhattisgarh).

3. The principal grievance of the petitioners, as stated in the writ petition, is that respondent nos. 2 to 8, all are police officials working in district Durg, acting upon the complaint lodged by ABC (to protect her identity), have allegedly acted with prejudice due to an earlier incident involving a relative of petitioner no. 1. It has further been contended that a writ petition bearing W.P.(Cr) No. 553/2025 had earlier, been filed alleging police torture at the same police station. The order passed in W.P.(Cr) No. 553/2025 forms part of the record as Annexure P-1.

4. It is submitted that pursuant to the order dated 17/10/2025 passed by this Hon'ble Court, a detailed affidavit was called for from the Superintendent of Police, Durg, In compliance thereof, the Superintendent of Police, Durg filed a

detailed affidavit on 04/11/2025 in W.P.(Cr.) No. 553/2025. In the said affidavit, the Superintendent of Police Durg has elaborately explained the factual background of the case. It was stated that the petitioner therein is the owner of a hotel namely Hotel Evening Star situated at Avanti Bai Chowk. Upon receipt of information regarding a missing person, a missing person report No. 128/2025 was registered at Police Station Supela, Police Outpost Smriti Nagar, Bhilai, concerning a missing girl Ms. XYZ (to protect her identity), Dio Hemchand Silhare, R/o Model Town, Smriti Nagar, Bhilai. Pursuant thereto, a police team comprising Sub-Inspector Gurvinder Singh Sandhu (In-charge, Police Outpost), Head Constable No. 103 Ashish Rajput, Constable No. 1003 Harshit Shukla, Constable No. 470 Ajit Singh and Constable No. 629 Vivek Singh was formed to enquire into the matter. During the search operation, efforts were made to trace the missing girl by tracking the location of her mobile phone. It was further stated that the father of the missing girl, Shri Hemchand Silhare, expressed apprehension that his daughter had been taken away by one Praveen Sahu. The search team also visited Madhya Pradesh and Maharashtra, but without success.

5. It is submitted that since the father of the missing girl was extremely anxious regarding the safety of his daughter, the police team, during the course of investigation, visited Hotel Evening Star, Avanti Bal Chowk, Bhilai. On the basis of the mobile phone location of the missing girl and the

said Praveen Sahu, the missing girl was ultimately recovered from a room in the said hotel. It is pertinent to state that the petitioner in W.P(Cr.) No. 553/2015 is the owner of the said hotel

6. After recovery of the girl, her father was duly informed and a recovery panchnama was prepared in the presence of independent witnesses. Thereafter, the father raised a query regarding certain gold ornaments which the girl had carried with her but were not recovered at the time of recovery. Pursuant to the said concern, the police personnel questioned the hotel manager regarding the ornaments allegedly left in the hotel room, which necessitated further questioning of the hotel manager and subsequently the hotel owner.

7. The Superintendent of Police, Durg further averred in the affidavit that during such questioning, the hotel owner, namely Akash Sahu, started arguing with the police personnel and even snatched the keys of the police patrolling vehicle. When the police personnel attempted to intervene, he continued to behave aggressively. He was, however, counseled by the police. Subsequently, Istgasa No. 126/135 under section 170/126, 135 BNSS was filed before the Sub-Divisional Magistrate, Chhawni, Bhilai.

8. The deponent respectfully submits that the incident forming the subject matter of the present writ petition arose from an overt act involving an attempt to outrage the modesty of a lady ABC (to

protect her identity), while she had gone to watch a movie along with her husband and son at PVR Surya Mall, Smriti Nagar, Bhilai. An FIR was registered at Police Chowki Smriti Nagar at the instance of the complainant for offences punishable under Sections 74, 191, 126, 296, 351(3), 115(2), 121, 221 and 132 of the Bharatiya Nyaya Sanhita. The complaint was registered on the basis of a written report submitted by the complainant, wherein the petitioners were specifically named and detailed allegations of abuse, assault and misbehavior were levelled against them. Copies of the written complaint and the FIR registered under Section 173 BNSS are collectively annexed as ANNEXURE A-1 (collv.)

9. It is submitted that videos footage of the incident at the mall seized during investigation clearly depicts the conduct of the petitioners and substantiates the fact that the petitioners attempted to take the law into their own hands and misbehaved not only with the complainant and her family but also abused and assaulted the police personnel who intervened. During the said incident, one Constable namely Kaushlendra Singh sustained a fracture injury, which is supported by his medical report annexed as ANNEXURE-A-2.

10. It is respectfully submitted that petitioner no. 2, namely Sujeet Kumar Sao, S/o Madhusudan Sao, was in an intoxicated condition, having consumed liquor. Owing to his intoxication, he was unable to maintain self-control and, during

the course of the scuffle and altercation with the complainant and the police personnel, he lost balance and fell down, thereby sustaining injuries. The said injuries were not caused due to any act or omission on the part of the police authorities. The intoxicated condition of petitioner no. 2 is clearly borne out from his Medico-Legal Certificate (MLC). A copy of the MLC of Sujeet Kumar Sao dated 23/10/2025 is annexed here with as ANNEXUREA-3 for the kind perusal of this Hon'ble Court. The CCTV footage of the incident is also placed on record as ANNEXURE A-4.

11. It is further submitted that the husband and son of the complainant also sustained injuries during the incident, as reflected in their medical reports collectively annexed ANNEXURE A-5 (collv.)

12. It is submitted that there after the complainant, her husband and son were taken to the police chowki, and simultaneously. petitioner no. 2, Sujeet Kumar Sao, aged about 32 years, was also taken to the police station for further lawful action.

13. It is submitted that upon reaching the police chowki, the other accused persons rushed there and started quarrelling with the police personnel, demanding immediate release of Sujeet Kumar Sao. At that time, only Head Constable Atmanand Kosre, Constable Santosh Singh and Constable Kaushlendra were present at the chowki. Respondent no. 2, Shri Gurvinder Singh Sandhu,

was not present there, as he had stayed back at the mall to manage the situation and disperse the crowd that had gathered.

14. It is submitted that when the complainant and her family along with petitioner no. 2 were being taken for medical examination, the other petitioners again rushed to the police chowki, created a commotion and attempted to pressurize the police authorities. Their conduct was aggressive and hostile, and they again abused and assaulted the police personnel. During this incident, Head Constable Atmanand Kosre sustained injuries. He subsequently lodged an FIR against the petitioners which is supported by his medical report, collectively annexed as ANNEXURE A-6 (collv.).

15. It is submitted that the accused persons were arrested and produced before the learned JMFC on 23/10/2025, While granting remand, the learned Magistrate directed the police to conduct re-medical examination of the accused persons. In compliance, the accused were first taken to the police Chowki Smriti Nagar for completion of formalities ie, for filling the MLC form and thereafter to Government Hospital, Supela. The copy of medical report is filed as ANNEXURE A-7.

16. It is submitted that the Bolero vehicle of the police station had earlier developed a mechanical fault and stopped. Despite several attempts the engine was not self starting and it was required to be push started. Therefore, for taking the accused

for re-medical examination the vehicle was push started, hence the accused were asked to move on road for about 30-40 meters to board the vehicle.

17. It is submitted that certain miscreants recorded this incident and circulated the video with a false narrative suggesting that the police had forced the accused persons to march through the city.

18. It is respectfully denied that the accused were subjected to any illegal act. Such allegations are false, baseless and intended to malign the police authorities, including respondent no. 2/Gurvinder Singh Sandhu. The Roznamcha Sanha clearly records the mechanical failure of the vehicle and the attempt to push-start it. A copy of the Sanha is annexed as ANNEXURE A-8. After medical examination, the accused persons were sent to jail pursuant to judicial remand.

19. It is most respectfully submitted that the observations recorded by the learned Additional District Judge in the order-sheet dated 31/10/2025 appear to have arisen on account of an inadvertent factual misunderstanding. It is submitted that when a bail application was moved on behalf of Sujit Sao, S/o Sharda Prasad San, the case diary was requisitioned by the learned Court. However, due to a bona fide and inadvertent error, the Sitation House Officer submitted the bai rejection application pertaining to Sujeet Kumar Sao, S/o Madhumadan Sao, instead of the bail rejection application relating to

Sujit Sao, S/o Sharda Prasad San This factual position stands clarified and is duly home out from the order passed by the learned Additional Sessions Judge, as reflected at Annexure P-5 (page 43). It is further submitted that respondent no.2, Gurvinder Singh Sandhu, promptly apprised the learned Court of the said bona fide mistake and clarified that the incorrect bail objection application had been submitted owing to similarity in names and pursuant to intimation received from the Court Constable of police station.

20. It is respectfully submitted that the entire narrative advanced by the petitioners is a concocted and deliberate attempt to cover up their own illegal acts against the complainant, her family members and the police personnel.

21. With regard to respondent no. 2/Gurvinder Singh Sandhu, it is submitted that a detailed affidavit has already been filed by the Superintendent of Police in W.P.(Cr.) No. 553/2025, clearly demonstrating that the allegations made therein were false and intended only to pressurize the police authorities.

22. It is reiterated that the petitioner in W.P.(Cr.) No. 553/2025 himself obstructed the police officials in the lawful discharge of their duties while they were investigating the missing case of Ms. XYZ (to protect her identity).

23. It is respectfully submitted that the police officials arrayed as respondents in the present writ petition, namely respondent nos. 2 to 8, have been impleaded in a wholly malicious, motivated

and unscrupulous manner. It is reiterated that all the police personnel concerned hold the highest regard and respect for the judicial system and have, at all times, remained devoted and committed to the lawful discharge of the duties entrusted to them. They have acted strictly in accordance with law, with due diligence and Bonafide's, and no illegality or excess has been committed by any of them. The petitioners cannot be permitted to malign or tarnish the reputation of the police officials by making reckless and unfounded allegations. The petitioners have attempted to mislead this Hon'ble Court by presenting a distorted and false narrative of the sequence of events, whereas the true and correct chain of events has been faithfully placed on record by the deponent herein for the kind consideration of this Hon'ble Court.

24. It is most respectfully and categorically submitted that at no point of time were the petitioners subjected to any custodial torture, physical assault, mental agony or ill-treatment by the police authorities. No third-degree methods were ever adopted, nor were the petitioners handcuffed or subjected to any form of public parading or humiliation. All actions taken by the police personnel were strictly in accordance with law, established procedure and judicial directions, and were necessitated solely by the conduct of the petitioners themselves. The allegations levelled in this regard are wholly false, exaggerated and concocted, and are emphatically denied.

25. *It is most respectfully submitted that respondent no.2/Gurvinder Singh Sandhu, at no point of time, attempted to intimidate the complainant ABC (to protect her identity), nor did he ever endeavour to interfere with or influence the course of justice before the learned Additional Sessions Judge. The appearance of respondent no, 2 before the learned Court, as already explained hereinabove, was neither unauthorized nor actuated by any improper motive, and no act attributable to him can be construed as an attempt to overawe, influence process. The allegations to the contrary are wholly unfounded obstruct the judicial and are emphatically denied. It is submitted that, the situation where the petitioners/accused persons have abused and assaulted the Constables, who were subordinate to the Respondent No. 2. was extremely serious. It was the duty of Respondent No. 2 to appear before the ADJ and submit proper Bail Rejection Application to secure the ends of justice.*

26. *It is most respectfully submitted that the accused petitioners have taken one of the grounds in this petition that guidelines of Hon'ble Supreme Court in Arnesh Kumar V/s State of Bihar and Satendra Kumar Antil has not been followed. This ground is baseless and devoid of any merit as the learned court of JMFC Durg had remanded the accused to judicial custody on 23.10.2025 after carefully examining the contents of the case diary. Copy of the said Order is Annexed ANNEXURE A-9.*

27. *It is further most respectfully submitted that the petitioners have taken a ground in the present writ petition claiming that they are not habitual offenders. However, it is humbly submitted that petitioner no. 1, namely Sujeet Sao, and his nephew Akash Kumar Sao, who is the petitioner in W.P.(Cr.) No. 553/2025, do have previous criminal antecedents, details whereof are borne out from official records. Copies of the relevant records evidencing their prior criminal involvement are annexed herewith as ANNEXURE A-10. The said contention raised by the petitioners is, therefore, factually incorrect, misleading and devoid of merit. It is further submitted that the other grounds raised in the writ petition are similarly unfounded, and appropriate replies thereto have already been placed on record in the preceding paragraphs of this affidavit.*

It is also submitted that, in view of the allegations made in the present writ petition, a show-cause notice has been issued to respondent no. 2, calling upon him to submit his explanation in relation to Writ Petition (Cr.) No. 11/2026. In this regard, copies of the letter dated 14/01/2026 issued by the Superintendent of Police, District Durg. to the DSP, Durg, along with the corresponding letter dated 14/01/2026 issued by the DSP to respondent no. 2, calling upon him to tender his explanation, are collectively annexed herewith as ANNEXURE A-11 (collv.). That the Respondent No. 2 has submitted a detailed reply dated 15.01.2026, wherein the prior incident

relating to the search of the missing girl-on account of which the earlier petition bearing W.P. (Cr.) No. 553/2025 was filed has been clearly elaborated and narrated. That upon due perusal of the said reply and after verification and confirmation of the averments made therein from the records available at the concerned Police Station, the aforesaid facts have emerged before the deponent and are being placed before this Hon'ble Court for its kind consideration. A copy of the reply dated 15.01.2026 is annexed herewith and marked as ANNEXURE A-12.

28. That the deponent reiterates his highest regard and respect for this Hon'ble Court and humbly assures that all directions, orders and observations issued by this Hon'ble Court shall be complied with promptly, faithfully and in their true letter and spirit.

29. That the present affidavit is being filed in strict compliance with the directions issued by this Hon'ble Court, and the statements made herein are based on official records, reports and information available with the deponent in the discharge of his official duties."

- 20.** From a perusal of the aforesaid affidavit, it transpires that the Director General of Police has denied all allegations of custodial torture, illegal handcuffing, public parading and violation of constitutional safeguards, asserting that the police action was lawful, bona fide and necessitated by the conduct of the petitioners themselves. It is stated that the incident arose out of a

complaint lodged by a woman alleging misbehaviour and assault by the petitioners at a public place, pursuant to which an FIR was registered under relevant provisions of the Bharatiya Nyaya Sanhita. According to the affidavit, CCTV footage, medical reports and contemporaneous records substantiate the prosecution version and contradict the allegations made in the writ petition.

- 21.** It is further averred that the injuries sustained by petitioner No.2 were not caused due to any police excess but were the result of his intoxicated condition and fall, which is supported by medical evidence. The affidavit explains that the alleged public parading occurred due to a mechanical failure of the police vehicle and denies any deliberate humiliation. The conduct of respondent No.02 during the bail proceedings has been sought to be justified as bona fide, attributing the adverse judicial observations to an inadvertent clerical error. The deponent has also pointed out the existence of prior criminal antecedents of some of the petitioners, denied non-compliance of the guidelines laid down in ***Arnesh Kumar*** (supra) and ***Satender Kumar Antil*** (supra) and stated that departmental proceedings by issuance of show-cause notice have already been initiated against respondent No.02, assuring this Court of full compliance with its directions.
- 22.** The petitioners have filed a rejoinder to the aforesaid affidavit stating therein that, though the preliminary averment made in paragraph-1 of the affidavit is admitted, the Director General of

Police, instead of placing the true and complete facts before this Court, has sought to shield his subordinates, namely respondent Nos.02 to 08, by overlooking serious allegations of physical and mental torture. It is contended that material facts, including the presence of the wife, two daughters and son of petitioner No.1 at the cinema hall on the date of incident, have been deliberately suppressed, despite such facts being evident from the documents filed by the respondents themselves and the sworn statement of the complainant before the learned Additional Sessions Judge. It is further stated that the medical reports relied upon by the respondents are doubtful, incomplete and apparently prepared merely to fulfil formalities, as several reports do not mention the time of examination and record no visible injuries despite judicial observations to the contrary. The petitioners assert that the learned Judicial Magistrate had noted visible injuries on the accused and had specifically directed re-medical examination before jail admission, which aspect has been conspicuously ignored in the affidavit. The allegation that petitioner No.2 sustained injuries due to intoxication and fall is categorically denied, it being asserted that the injuries were caused by police assault.

- 23.** The petitioners further contend that the explanation given regarding mechanical failure of the police vehicle and alleged absence of public parading is demonstrably false in view of the video footage and photographs on record, which show the police

vehicle moving in running condition while the petitioners were handcuffed and made to walk in public view. It is alleged that even after the judicial directions, the petitioners were taken back to the police chowki and thereafter paraded on public roads, in clear violation of constitutional safeguards and binding guidelines laid down in ***Arnesh Kumar*** (supra), ***Satender Kumar Antil*** (supra) and ***D.K. Basu v. State of West Bengal, (1997) 1 SCC 416***.

24. Lastly, it is asserted that reliance upon alleged criminal antecedents of petitioner No.1 is misleading, as earlier cases either stood quashed or related to lawful protest, and therefore he cannot be branded as a habitual offender. The petitioners contend that the affidavit of the Director General of Police suffers from non-application of mind, suppression of material facts and a casual approach, and has been filed only to justify illegal acts of the police officials, contrary to the record and judicial findings already noted by the Courts concerned.
25. Upon anxious consideration of the submissions made by the learned counsel for the parties, the materials on record, the writ petition, the affidavit filed by the Director General of Police, State of Chhattisgarh, and the rejoinder filed by the petitioners thereto, this Court is of the considered view that the present matter involves allegations of serious nature concerning the conduct of police officials, particularly respondent Nos.02 to 08, in the discharge of their duties.

- 26.** It is manifest from the materials placed on record that there are procedural lapses and actions on the part of the police authorities which warrant serious concern. The conduct complained of alleging unlawful arrest, failure to observe statutory and judicial safeguards, inordinate delay in medical examination, and alleged humiliation of the petitioners, are matters which strike at the very core of Articles 21 and 22 of the Constitution of India, which guarantee the fundamental right to life, liberty, and dignity of every citizen. The allegations, if established, demonstrate a disregard for the rule of law and the constitutional safeguards enshrined for the protection of individuals against excesses in police action.
- 27.** At the same time, this Court recognizes the affidavit filed by the Director General of Police, wherein it is averred that the police officials acted in good faith and in the discharge of their lawful duties. However, it is equally apparent from the record, including the video footage, medical reports, and judicial observations, that certain aspects of the incident could have been handled with greater care, diligence, and adherence to procedural safeguards. While the Court does not find it appropriate to enter into a detailed adjudication on disputed facts at this stage, the gravity of the allegations and the sensitive nature of the case underscore the need for the police authorities to act strictly in accordance with law and established procedures in the future.
- 28.** In these circumstances, while this Court is constrained to observe

that there appears to have been some irregularity in the conduct of the respondents, the Court is of the view that the matter is amenable to resolution without invoking the extraordinary jurisdiction of this Court to interfere with every action of the police, particularly when an opportunity exists for internal departmental review and corrective measures. It is the expectation and earnest exhortation of this Court that the police authorities, entrusted with the solemn duty of upholding law and order, will exercise the highest degree of fairness, restraint, and diligence in the discharge of their duties, strictly observing the provisions of law, the directions of superior courts, and the fundamental rights of citizens.

29. Accordingly, the writ petition is disposed of with the following directions:

- The Director General of Police, State of Chhattisgarh, shall ensure that respondent Nos.02 to 08, and all police officers under their command, are reminded of their obligations under the Constitution of India, relevant statutes, and judicial pronouncements, including the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar** (supra) **Satyendra Kumar Antil** (supra) and **D.K. Basu** (supra) regarding the arrest and treatment of accused persons.
- The State Government and the Police Department shall take all necessary steps to ensure that procedures for arrest,

remand, medical examination, and treatment of accused persons are scrupulously followed, and any lapses or deviations are immediately addressed through departmental action.

- The police authorities are earnestly directed to ensure that no citizen is subjected to harassment, humiliation, or any form of custodial mistreatment, and that the dignity, liberty, and fundamental rights of every individual are respected and safeguarded.
- This Court places on record its strong hope and solemn expectation that incidents of the nature complained of in the present writ petition will not recur in the future and that all police personnel shall discharge their duties in a manner that reflects the highest standards of professionalism, integrity, and constitutional propriety.

30. With the above observations and directions, the writ petition stands **disposed of**. There shall be no order as to costs.

31. Before parting with the case, this Court records its serious concern and strong disapproval of the manner in which respondent No.2, Shri Gurinder Singh Sidhu, Station House Officer, Police Chowki Smriti Nagar, Police Station- Supela, District- Durg (C.G.), appears to have acted, revealing a casual and hasty approach in the exercise of police powers, in clear disregard of the constitutional safeguards and procedural

mandates governing arrest, detention and treatment of citizens. Such conduct, even if unintentional, has the potential to erode public confidence in the rule of law and cannot be countenanced in a constitutional democracy.

- 32.** In view thereof, the Director General of Police, State of Chhattisgarh, is hereby directed to examine the conduct of respondent No.2 at an appropriate level, and to take necessary corrective and disciplinary measures, if warranted, strictly in accordance with law. The Director General of Police shall further ensure that respondent No.2 is formally sensitised and counselled with respect to the binding directions of the Hon'ble Supreme Court in Arnesh Kumar, Satyendra Kumar Antil and D.K. Basu (supra), and that his future conduct is placed under effective supervisory oversight.
- 33.** The Director General of Police is further directed to issue appropriate standing instructions to all units under his command reiterating that any deviation from constitutional or statutory safeguards relating to arrest, remand or custodial treatment shall invite strict departmental consequences, and that police authority must be exercised with restraint, accountability and scrupulous adherence to the rule of law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Headnote

“Any form of custodial abuse or harassment is wholly unacceptable. The police are thus directed to strictly comply with constitutional mandates and binding judicial precedents, especially in cases arising out of trivial or minor public disputes. The object of these directions is to safeguard the dignity and liberty of citizens and to prevent illegal detention, unnecessary handcuffing, public parading, or mental and physical humiliation.”