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

+ W.P.(CRL) 2893/2024, CRL.M.A. 28269/2024 CRL.M.A.
28270/2024 CRL.M.A. 28271/2024

KINSHUK ARORA & ANR.

.....Petitioner

Through: Mr. Ajay Singh, Mr. Abhishek Rana,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
with SI Kunal Kishor, PS: Roop
Nagar.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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19.09.2024

1. The petition has been filed in context of the fact that in proceedings initiated under section 107/151 C.r.PC., at PS Roop Nagar, the petitioners were placed in detention from 20th April 2023 to 24th April 2023 by respondent no. 2, (Special Executive Magistrate, North District, PS Sarai Rohila Complex) without following procedural safeguards.
2. No witnesses have been examined or investigation or enquiry carried out in respect of the petitioners before this was done, which as per the counsel for the petitioner is in contravention of the guidelines laid down by Division Bench of this Court in *Aldanish Rein v. State of NCT of Delhi & Anr.* (2018) SCC OnLine Del 12207.
3. Perusal of the impugned order would show that the *Kalandra*, was registered basis two sets of parties were abusing, threatening and quarrelling with each other and getting aggressive, based on a property dispute. Notices



had been issued and they were ordered to execute personal bonds.

4. In the circumstances, it was noted that petitioner Kinshuk and Sudhanshu Goyal were being aggressive in Court against Amit Goyal and were not ready to deposit amounts for personal bonds and in these circumstances, the SEM recorded that there was strong apprehension of commission for cognizable offence and they were recommended for judicial custody. There were other aspects which were noted in the said order.

5. However, counsel for the petitioner states that petitioner states that petitioner was sent to JC summarily without following the procedure laid down, which is an essential safeguard towards illegal detention. In this regard he wishes to restrict his relief to prayer (iii) & (iv):

- (iii) Issue a writ, order, or direction to Respondents herein to ensure compliance with the guidelines issued by this Hon'ble Court in *Aldanish Rein V. State of NCT Of Delhi & Anr.* (2018 SCC OnLine Del 12207);
- (iv) Issue a writ, order, or direction to Respondent No. 1 to 3 to erase all biometric records of the Petitioners herein obtained pursuant to the Impugned Order dated 20.04.2023 passed by Respondent No. 2;

6. Issue notice limited to the two reliefs sought. Notice is accepted by ASC for State who will file the Status report before the next date of hearing.

7. List on 25th November, 2024.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 19, 2024/RK