

BARKHA BANSAL V/S STATE OF U.T CHANDIGARH AND OTHERS

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Ms. Kashish Sahni and
Mr. R.S. Bagga, Advocates for the applicant-petitioner.

Mr. Manish Bansal, PP UT Chandigarh and
Mr. Viren Sibbal, Addl. PP UT Chandigarh.

Mr. Satya Pal Jain, Additional Solicitor General of India
Mr. Rajesh Sethi, Mr. Suish Bindlish, Mr. Anshuman Sethi
and Ms. Preeti Bansal, Advocates for respondents No. 2 and 3.

CRM-W-854-2025

This is an application filed under Section 528 of Bharatiya Nargarik Suraksha Sanhita, 2023 (hereinafter 'BNSS') for placing on record Annexures P-2 to P-11 as additional Annexures.

Allowed as prayed for.

Annexures P-2 to P-11 are taken on record subject to all just exceptions.

CRWP-6077-2025

Learned Senior counsel for the petitioner *inter alia* contends that the petitioner approached this Court on 05.06.2025 by way of the present petition seeking issuance of a writ in the nature of *habeas corpus*, directing respondent No.1 to recover her husband- the detainee, who had been in the illegal custody of respondents No. 2 and 3 since 04.06.2025.

Learned Senior counsel further contends that this Court vide order dated 05.06.2025 appointed a Warrant Officer to inspect the office of respondents No. 2 and 3. On the same day, the Warrant Officer, with the assistance of the local police, entered the Central Revenue Building, Sector 17, Chandigarh at 06:42 PM. He also made an entry in the concerned register (Annexure P-2) in this regard. Thereafter, the Warrant Officer recovered the detainee from the office of Anju Sheokand, IRS where he was being guarded by

one Peon working for the Department. No explanation was provided for detaining the detainee in the said premises. The Warrant Officer then proceeded to record the statement of detainee, who also showed his injuries to him, as evident from the screenshot of the video attached at Annexure P-4.

He further contends that the detainee was in illegal custody of respondents No.2 and 3 from 12:05 PM on 04.06.2025, i.e. for a period of over 30 hours. The detainee was not even produced before the competent Court within the stipulated 24 hours. Further still, the detainee was forcibly taken away in a convoy of 03 cars from the custody of the Warrant Officer, who was performing his official duty, as directed by this Court. The same is buttressed by the screenshots of the video available at Annexure P-5. Subsequently, at 8:40 PM, a memo of arrest was issued by respondents No. 2 and 3, in an attempt to cover up the fact that they illegally detained the detainee. Moreover, Rahul Vats, Intelligence Officer also misbehaved with the Warrant Officer in presence of the police party. A CD containing the video recording of the events that transpired at the said premises as well as the mistreatment of the Warrant Officer is available as Annexure P-7.

Furthermore, at 9:25 PM, the Warrant Officer appeared before the Duty Magistrate and informed the Court that the officials of respondent No. 3 have obstructed him in discharging his official duty. The same also stands recorded in the order dated 05.06.2025 (Annexure P-8) passed by learned Judicial Magistrate Ist Class, Chandigarh. He further submits that, shockingly, respondent No. 2 issued summons to the petitioner on 16.06.2025 for appearance, one day prior to date fixed in the present writ petition, in order to pressurise her to withdraw the same.

Learned Senior counsel further refers to the report of Warrant Officer and submits that after finding detainee in the said premises, respondents No. 2 and 3 and Amandeep Singh, IRS arrived at the spot, however, they were

unable produce any document regarding the arrest of the detainee. The Warrant Officer also specifically forbade these officials from engaging in any paper work at that stage. The report of the Warrant Officer also reveals that respondents No. 2 and 3 created obstruction when he, in discharge of his official duty, was recording statement of the detainee. In fact, they also snatched papers from his hand. It was only at 08:40 PM on 05.06.2025 that an arrest memo along with grounds of arrest was handed over to him.

Lastly, it is duly established from the report of the Warrant Officer that the detainee arrived at the said premises at 12:02 PM on 04.06.2025 and was only produced before the Duty Magistrate at 09:25 PM on 05.06.2025. As such, respondents No. 2 and 3 have not only illegal detained the detainee but also deliberately caused obstruction in the administration of justice. Thus, the act and conduct of the officials of the Department is contemptuous and should be dealt with a heavy hand.

Per contra, learned Additional Solicitor General of India assisted by learned counsel for respondents No. 2 and 3 submits that detainee was never detained illegally. As a matter of fact, he was summoned in connection with investigation in a matter pertaining to Section 132 of Central Goods and Services Tax Act, 2017 and was duly arrested at 8:40 PM on 05.06.2025, when his response was found to be evasive. Further, some time was sought to file a reply to controvert the submissions made by learned Senior counsel for the petitioner.

Having heard learned counsel for the parties and after perusing the record with their able assistance, this Court finds force in the arguments advanced by learned Senior counsel for the petitioner. The conduct of respondents No. 2 and 3 and other officials of the Department is *ex facie* contemptuous as they have intentionally and maliciously misbehaved with the

Warrant Officer and hindered him from discharging the official duty entrusted to him by this Court vide order dated 05.06.2025.

Further, as per the report of the Warrant Officer, the detainee remained in custody of respondents No.2 and 3 since 12:02 PM on 04.06.2025. He was only served with an arrest warrant at 8:40 PM the next day i.e. 05.06.2025. It is evident that the detainee was produced before the jurisdictional Magistrate at 9:25 PM on 05.06.2025 i.e. beyond the stipulated period of 24 hours which is in direct contravention of his fundamental rights under Article 22 of the Constitution of India.

However, before passing any orders, an opportunity is afforded to respondents No. 2 and 3 to show cause as to why contempt proceedings may not be initiated against them for snatching papers from the Warrant Officer and obstructing him from performing his official duty. This Court cannot turn a Nelson's eye to such recalcitrant misconduct depicting a blatant disregard for the rule of law. Allowing such lawless to continue unchecked would undermine the authority and dignity of the justice administration mechanism.

In view of the discussion above, respondent No. 3- Additional Director General GST is directed to file his affidavit indicating:

- (i) Complete details regarding names of the officials of the Department along with their designations, who were present at Central Revenue Building, Sector 17, Chandigarh from 06:30 PM to 09.00 PM on 05.06.2025
- (ii) Status of installation of CCTV cameras at the premises of Central Revenue Building, Sector 17, Chandigarh in accordance with the judgment rendered by the Hon'ble Supreme Court in ***Paramvir Singh Saini vs. Baljit Singh and others (2021) 1 SCC 184.***

It is further directed that the original record, including the arrest memos and ground of arrest as well as the medical examination report of the detainee be also produced on the next date of hearing.

Adjourned to 18.07.2025.

(HARPREET SINGH BRAR)
JUDGE

02.07.2025

Ajay Goswami