



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

%

Judgment Reserved on: 06.07.2026

Judgment Delivered on: 07.07.2026

+

BAIL APPLN. 2544/2025 & CRL.M.A. 19868/2025 & CRL.M.A.
16192/2026

KARAN

.....Petitioner

versus

STATE OF NCT OF DELHI

.....Respondent

Memo of Appearance

For the Petitioner: Mr. Chirag Madan, Ms. Ravleen Sabharwal, Ms. Rachael Tuli, Mr. Ronit Bose, Mr. Sai Krishna Kumar and Mr. Harsh Chaudhary, Advocates

For the Respondent: Ms. Priyanka Dalal, APP for the State.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

MANOJ JAIN, J

1. Applicant seeks regular bail in a case of murder.¹
2. The solitary contention is to the effect that since the applicant was never provided with grounds of arrest in writing, the arrest is illegal, being in violation Article 22(1) of the *Constitution of India* and Sections 36, 47, 48 & 49 of the BNS².
3. Before considering the above contention, it will be appropriate to refer about the case of prosecution, *albeit*, in brief.
4. On 16.08.2024, an information was received about admission of two injured persons, namely, Dharmender @ Monu and Vimal Prakash @ Akki. Police, on reaching the hospital, recorded statement of Akki who revealed

¹ FIR No. 0329/2024 dated 16.08.2024 registered at Police Station Prasad Nagar for commission of offences under Sections 109(1)/3(5) of *Bharatiya Nyaya Sanhita, 2023* (corresponding Sections 302/34 IPC) and Section 27/54/59 of Arms Act, 1959.

² *Bharatiya Nagarik Suraksha Sanhita, 2023*



that when he along with his friend Neeraj were going in a vehicle, their vehicle collided with a scooty driven by Jugnu. It was a minor collision but Jugnu threatened to kill Neeraj. Akki and Neeraj, along with Monu, went to the house of Jugnu to apologize but he was not met. Later on, Akki, Monu and Neeraj were attacked by accused persons i.e. Jugnu, Amit, Vicky and Karan (applicant herein). Karan was armed with knife and he was the one who attacked Akki and Monu, causing serious stab injuries to them.

5. Monu, eventually, succumbed to such injuries. As per *autopsy report*, death was due to *haemorrhagic* shock, consequent upon penetrating stabbing to abdomen.

6. All the four accused, including the applicant, were arrested same day i.e. 16.08.2024.

7. CCTV footage also corroborated their complicity.

8. It also came to fore that accused Jugnu had old enmity with Monu since July, 2021.

9. Mr. Chirag Madan, learned counsel for applicant submits that there is non-adherence and non-compliance of the mandatory provisions of law and at no point in time, grounds of arrest and reasons of arrest were informed or supplied either to the applicant or to his relatives and, therefore, the arrest being *non-est* and illegal, applicant is entitled to be released on bail. He, primarily, relies upon *Pankaj Bansal v. Union of India & Ors.*³, *Prabir Purkayastha v. State (NCT of Delhi)*⁴, *Vihaan Kumar v. State of Haryana*⁵, *Mihir Rajesh Shah v. State of Maharashtra & Anr*⁶ and *Dr. Rajinder Rajan*

³ 2023 SCC OnLine SC 1244

⁴ 2024 SCC OnLine SC 934

⁵ 2025 SCC OnLine SC 269

⁶ (2026)1 SCC 500



*Vs. Union of India and Anr.*⁷. He also makes reference to *Brijesh Kothia Vs. State of NCT of Delhi*⁸ and many other precedents wherein, while acknowledging that the non-compliance of aforesaid mandatory requirement vitiates the arrest, the arrestees were released.

10. All such contentions have been refuted by Ms. Priyanka Dalal, learned Addl. P.P. for State.

11. According to her, when the accused was arrested on 16.08.2024, he was duly provided with the ‘*grounds of arrest in writing*’ and to corroborate the same, she refers to the relevant portion of the *case-diary*. She asserts that the *grounds of arrest* were duly informed, not only to the applicant but also to his other co-accused and the same were provided in writing to them, which they acknowledged by signing. She states that the *grounds of arrest* were detailed as (i) *Identification by spot-witness Neeraj* (ii) *Face being visible in CCTV footage* (iii) *Necessity of arrest for impartial investigation* (iv) *To recover case property related to offence*. She claims that, therefore, the application is completely misconceived.

12. She supplements that the law on the abovesaid aspect was, eventually, crystalized on 06.11.2025 when judgment in *Mihir Rajesh Shah* was pronounced by Hon’ble Supreme Court, whereby it was held that the *grounds of arrest* were to be communicated to the concerned arrestee in writing ‘*henceforth*’ only and, therefore, the present application has, even otherwise, no merits as the arrest herein is of prior date i.e. of 16.08.2024. Moreover, since the *grounds of arrest* in writing were duly provided to the applicant, the present application needs to be rejected. She also refers to a

⁷ 2026 SCC Online SC 802

⁸ 2026:DHC:4222



Division Bench Judgment of this Court i.e. *Karan Singh v State (NCT of Delhi)*⁹ and submits that this Court, while taking note of various precedents on the abovesaid aspect, categorically, observed that the law laid down in *Mihir Rajesh Shah* (supra), insofar as it mandates uniform written communication of *grounds of arrest*, operates prospectively. She also contends that there is no change in the legal position and the reliance on *Rajinder Rajan* (supra) is misplaced as therein, “*issue of prospectivity*” was never raised, considered or answered. She states that in said case, the situation was dissimilar as the fact that the accused was not supplied with the *grounds of arrest* was not traversed by the prosecution and moreover, in that particular case, the Apex Court also found that the *arrest memo* had been prepared in the template format and the grounds were explained orally before the process of formal arrest. She, therefore, submits that no benefit can be drawn from said judgment, either.

13. Undoubtedly, the arrest in the present case is of 16.08.2024.

14. Applicant and his co-accused were produced before the concerned court on 17.08.2024. Importantly, the applicant and his co-accused were represented by a *Legal-Aid Counsel*, at that time.

15. Such counsel represented them all and on the date of first remand dated 17.08.2024, learned Magisterial Court, in presence of their counsel, enquired about the injuries received by the accused and these were duly responded by the accused. Relevant part of remand order reads as under:-

“There is a injury on the left ear of accused Karan and there is injury on the hand of accused Amit. Upon court enquiry the accused Karan submits that he was beaten up by the opposite party and accused Amit submits he suffered the

⁹ 2026 SCC OnLine Del 282



injury while flying the kite. All the accused persons have denied any allegations of torture. Information regarding the arrest of all the accused persons given to their family members."

16. These observations indicate that the applicant never raised any grievance that the grounds of arrest were not supplied to him. He was also aware as to why he had been arrested as he claimed that he had been beaten up by the opposite side i.e. complainant party. He denied there being any torture from the police. *The Magisterial Court also, categorically, noted that information regarding the arrest of all the accused persons had been given to their family members.*

17. It shall also be appropriate to mention about the relevant portion of case-diary, in context of providing of grounds of arrest to the applicant. The same is as under: -

②

FIR No - 321/24. 44-103(2)/109(2)/3(5) BNS dt - 16/8/24

P.S- Pasad Nagar

Brief Facts :- उपरोक्त मुकदमा शिकायतकर्ता Vimal Parkash @ AKKI के साथ पर दिये हैं। इपरिवत केस में एक अन्य पक्ष के नाम Neeraj S/o Dharamwinder के साथ दर्ज किए जा चुके हैं। जो दोनों पक्षों ने बताया कि Jagan S/o Lt. Raj Singh ने अपनी दोस्तों Vicky S/o Dean Dyalal यो I-16/44, Pasad Nagar, Amit S/o Sai Parkash और Karan S/o Lt. Jhanvu के साथ मिलकर Vimal Parkash @ AKKI और Dharamwinder @ Monu S/o Satish को गाली मारी है और Dharamwinder @ Monu की कार को फंसल घुलाने का प्रयास किया है।

शिकायत के कारण निम्न हैं :-

(I) मोर के अलावा Neeraj ने आपकी पहचान की है और आपका नाम भी बताया है।

(II) अपरिवत के साथ CCTV Footage में आपका चेहरा साफ नजर आ रहा है।

(III) उपरोक्त केस में निम्नलिखित जनों के लिए आपकी शिकायत आशुकर है।

(IV) उपरोक्त केस में अपरिवत से संबंधित केस प्रौद्योगिकी के लिए आपकी शिकायत आशुकर है।

Karan
(Karan S/o Lt. Jhanvu)

11/8/24
Insp Vicky



18. Therefore, there is, actually speaking, nothing to show that *grounds of arrest* were not supplied to accused or that his family members were not aware about the arrest or reason of arrest.

19. It also needs to be mentioned that the assertion that arrest is vitiated for non-conveyance of grounds has been taken for the first time in May, 2026.

20. Moreover, in the written note dated 05.04.2026 submitted from the applicant side, there is no serious challenge to the abovesaid important aspect. There is, now, a significant shift in his stand *as it is now claimed that even if it is assumed that grounds of arrest had been supplied to applicant, these were not given to his family.*

21. However, first remand, as noted already, contains clear-cut observation of the Court that information regarding the arrest of all the accused persons, including applicant herein, had been given to their family members.

22. Thus, there is nothing to show that arrest is required to be declared illegal, particularly when applicant knew since beginning as to why he was being arrested. In *State of Karnataka v Sri Darshan: 2025 SCC OnLine SC 1702*, it has been held as under :-

20.1. Delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail.

20.1.1. The learned counsel for the respondents - accused contended that the arrest was illegal as the grounds of arrest were not furnished immediately in writing, thereby violating Article 22(1) of the Constitution and Section 50 Cr. P.C. (now Section 47 of the



Bharatiya Nagarik Suraksha Sanhita). This submission, however, is devoid of merit.

20.1.2. Article 22(1) of the Constitution mandates that “no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice”. Similarly, Section 50 (1) Cr. P.C. requires that “every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest - but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

20.1.4. In Vihaan Kumar v. State of Haryana²², it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in Kasireddy Upendar Reddy v. State of Andhra Pradesh²³, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post-Pankaj Bansal decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.

20.1.5. While Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

20.1.6. The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a prima facie case. It noted, inter alia, that there was no mention in the remand orders about service of memo of grounds of arrest (para



45); the arrest memos were allegedly template-based and not personalised (para 50); and eyewitnesses had not stated that they were present at the time of arrest or had signed the memos (para 48). Relying on *Pankaj Bansal v. Union of India*²⁴ and *Prabir Purkayastha v. State (NCT of Delhi)* (*supra*), it concluded (paras 43, 49 - 50) that from 03.10.2023 onwards, failure to serve detailed, written, and individualised grounds of arrest immediately after arrest was a violation entitling the accused to bail.

20.1.7. *In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.*

(emphasis supplied)

23. Herein, visibly, there is no instance of prejudice, much less a demonstrable one.
24. Application is, resultantly, dismissed.
25. Pending application stands disposed of.

**(MANOJ JAIN)
JUDGE**

JULY 7, 2026/sw/hj