

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL****Habeas Corpus No. 23 of 2026**

Kishan Udaylal Jain

..... Petitioner

Vs.

State of Uttarakhand and another

.....Respondent

Presence:

Mr. Aryan Kotwal, learned counsel (through V.C), Shrey Slodha and Mr. Yuvraj Singh, learned counsel holding brief of Mr. Rohit Arora, learned counsel for the petitioner.

Mr. Piyush Garg, learned counsel for the CBI.

Mr. V.S. Rawat, learned AGA for the State.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

The petitioner is in judicial custody in CBI Case No. RC0072025E0007 dated 26.11.2025 under Sections 420, 406, 506 & 120-B of the IPC; Sections 61(2), 111, 316, 318(4), 336, 338, 340(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023; Section 3 of the Uttarakhand Protection of Interests of Depositors (in Financial Establishments) Act, 2005; and Sections 3, 4, 21, and 22 of the Banning of Unregulated Deposit Schemes Act, 2019 ("the case").

2. The petitioner has filed the instant Habeas Corpus petition, declaring that his arrest in the case is illegal and seeking his release forthwith. The petitioner has also challenged the order dated 02.06.2026 passed by the Court of the Additional Chief Judicial Magistrate, 19th Court, Esplanade, Mumbai, by which



transit remand was granted, as well as the police custody remand dated 03.06.2026 passed by the Court of the Additional District and Sessions Judge, 1st Special Judge, BUDS Act, Dehradun.

3. Heard learned counsel for the parties and perused the record.

4. There were allegations against M/s Loni Urban Multi-State Credit and Thrift Co-operative Society that it had been illegally operating and carrying out malpractices by misusing/squandering public money. There were multiple FIRs filed in this regard in the State of Uttarakhand. On 17th September, 2025, this Court, in WPPIL No. 46 of 2025, Ashutosh vs. State of Uttarakhand & Others, directed the CBI to take up the investigation of all criminal cases related to M/s Loni Urban Multi-State Credit and Thrift Co-operative Society in Uttarakhand. Thereafter, the CBI took up the investigation.

5. FIR No. 142 of 2024 dated 1st June, 2024 of Police Station Kotwali Kotdwar, District Pauri Garhwal being the first information report originally registered in the instant case was treated as the original FIR in the case.

6. In the investigation of the instant case, according to the CBI, the petitioner was arrested on 1st June, 2026, at Mumbai. He was produced before the Court of the Additional Chief Judicial Magistrate, 3rd Court, Esplanade, Mumbai, and the Court passed a transit remand order. It may be noted that the transit remand was opposed by the petitioner. Thereafter, by the impugned order dated 3rd June, 2026, the petitioner was remanded to police custody from 11:00 AM on 4th June, 2026, till 5:30 PM on 5th June, 2026. Both the transit remand order and the police custody remand order have

**2026:UHC:6179-DB**

been challenged, and a declaration is also sought that the arrest is illegal.

7. Learned counsel for the petitioner submits that on 4th May, 2026, the petitioner was issued a notice under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("the BNSS"), requiring his appearance, with which the petitioner complied. On 13th June, 2025, a co-accused was arrested, who implicated the petitioner. On 28th May, 2026, another notice under Section 179 of the BNSS was issued to the petitioner. In compliance therewith, the petitioner appeared before the CBI on 30th May, 2026. He was questioned by the CBI and allowed to leave, but was directed to appear again before the CBI on 1st June, 2026. The petitioner accordingly appeared before the CBI on 1st June, 2026, at 12:00 noon. He was not allowed to leave and was shown to have been arrested at 6:00 PM. In these factual circumstances, learned counsel for the petitioner raised the following points:-

- (i) According to the prosecution, on 13th May, 2026, the co-accused had implicated the applicant, but the applicant was not arrested then. After the interrogation of the co-accused on 13th May, 2026, the CBI did not have any new material so as to make it necessary to arrest the applicant.
- (ii) The appellant was not produced before the Magistrate within 24 hours, which violates the constitutional rights of the petitioner, and on this ground alone, the entire remand and arrest are liable to be declared illegal. On this aspect, learned counsel submits that, under the oral directions of the CBI on



30th May, 2026, the petitioner appeared before the CBI on 1st June, 2026, at 12:00 noon. As soon as he appeared, he was not allowed to go anywhere; his movements were restricted. He was formally shown to have been arrested at 6:00 PM, whereas, in fact, in the eye of law, his arrest is to be considered as having taken place at 12:00 noon on 1st June, 2026. However, he was produced before the remand Magistrate in Mumbai at 1:30 PM; therefore, it was beyond 24 hours and is illegal.

In support of his contention, learned counsel for the petitioner relies upon the principle of law laid down in the cases of Hanumant Jagganath Nazirkar vs. The State of Maharashtra, 2025 SCC OnLine Bom 2508 and T. Ramadevi vs. The State of Telangana, 2024 SCC OnLine TS 4288.

In the case of Hanumant Jagganath Nazirkar (*supra*), in paragraph 12, the Hon'ble Bombay High Court framed the questions involved in that petition and answered them in paragraph 31. It may be noted that, according to the prosecution case in the case of Hanumant Jagganath Nazirkar (*supra*), the petitioner in that case was taken into custody from a metro station on 26th October, 2024, at 9:00 PM, and that time was considered as the time of arrest. Paragraphs 12 and 31 of the judgment are as below:-

“12. The short issue which arises for our consideration is whether the period from 25 October 2024 1:00 p.m. to 26 October 2024 9:00

**2026:UHC:6179-DB**

p.m. when the Petitioner was taken into custody from Shivajinagar Metro Station, Pune and produced in custody at Baramati Police Station and thereafter at Baramati where he was taken for pre-arrest medical examination can be considered as the period when the Petitioner can be said to have been arrested.

31. In our view, there can be no doubt that the Petitioner's free movement and liberty were restrained on 25 October 2024 at 1:00 p.m. when he was taken into custody at Shivajinagar Metro Station, Pune and produced before the Shivajinagar Police Station. Even otherwise, the police authorities took the Petitioner from Pune to Baramati and reached Baramati on 25 October 2024 at 5:07 p.m. At least from 5:07 p.m. on 25 October 2024, the Petitioner can be said to have been arrested."

In the case of T. Ramadevi (*supra*), the petitioner in that case was apprehended on 31st July, 2024, at 10:00 AM. In those circumstances, in paragraph 11 of the judgment, the Hon'ble Telangana High Court observed as follows:

"11. In the aforesaid backdrop, when we look into the provisions of Section 57 of Cr.P.C, the very first line of the said provision refers to the term detention. It does not use the term "from the time of arrest", which further strengthens the case of the petitioner when they say that period of detention starts the moment they stand apprehended by the police, as from that moment itself there is a restraint so far as personal liberty of the concerned person and there is also an arrest of his movement, as he remains under confines of police personnel. Thus, it would amount to a detention of a person right from the time he is apprehended by the police personnel. Thus, in terms of the judgment of the Bombay High Court in the case of Ashak Hussain (*supra*), the arrest of a person commences from the time restraint is placed on his liberty and not from the time of the arrest officially recorded by the arresting officers."

**2026:UHC:6179-DB**

- (iii) The police custody remand of the petitioner dated 3rd June, 2026, is bad in the eyes of law because it is mechanical.
- (iv) The grounds of arrest had not been meaningfully supplied to the petitioner because they were in English, whereas the petitioner is a matriculate who knows only Hindi. Therefore, on this ground also, the arrest is illegal.

8. Replying to the submissions made by learned counsel for the petitioner, learned counsel for the CBI submits that the grounds of arrest were meaningfully communicated to the petitioner in writing. He submits that the notice under Section 179 of the BNSS was given to the petitioner in English, in response to which he appeared. The grounds of arrest are also in English. Therefore, he argues that merely because the grounds of arrest are in English, it cannot be said that they were not meaningfully communicated.

9. Learned counsel for the CBI submits that on 1st June, 2026, when the petitioner appeared before the CBI at 12:00 noon, he was not under arrest from that time, and his movements were not restricted. Mere presence does not amount to a restriction on movement. He submits that an Investigating Officer may call any person who may be helpful in the investigation, including the accused, and examine him, and subsequently effect an arrest. In such a situation, "arrest" means the moment when such person was arrested, and not any time prior to that moment. In support of his contention, learned counsel for the CBI has referred to the cases of Directorate of Enforcement vs. Deepak Mahajan & Anr., reported in (1994) 3 SCC 440; Mihir Rajesh Shah vs. State of Maharashtra &

**2026:UHC:6179-DB**

Anr., reported in (2026) 1 SCC 500; Gharban Ali Pour Azadi vs. Intelligence Officer Air Intelligence Unit, Bombay and others, reported in 1996 SCC OnLine Bom 59; and Rameswar Talukdar vs. State of Assam, 2019 SCC OnLine Gau 5938.

10. In the case of Directorate of Enforcement vs. Deepak Mahajan (*supra*), the Hon'ble Supreme Court discussed the concept of arrest and observed as follows:-

“48. Thus the Code gives power of arrest not only to a police officer and a Magistrate but also under certain circumstances or given situations to private persons. Further, when an accused person appears before a Magistrate or surrenders voluntarily, the Magistrate is empowered to take that accused person into custody and deal with him according to law. Needless to emphasize that the arrest of a person is a condition precedent for taking him into judicial custody thereof. To put it differently, the taking of the person into judicial custody is followed after the arrest of the person concerned by the Magistrate on appearance or surrender. It will be appropriate, at this stage, to note that in every arrest, there is custody but not vice versa and that both the words ‘custody’ and ‘arrest’ are not synonymous terms. Though ‘custody’ may amount to an arrest in certain circumstances but not under all circumstances. If these two terms are interpreted as synonymous, it is nothing but an ultra legalist interpretation which if under all circumstances accepted and adopted, would lead to a startling anomaly resulting in serious consequences, vide Roshan Beevi 1984 Cri LJ 134.”

11. In the case of Mihir Rajesh Shah (*supra*), the Hon'ble Supreme Court considered a situation where, after interrogating an accused, an arrest was made. In paragraph 61 of the judgment, the Hon'ble Supreme Court observed as follows:-

“61. Supplanting the above situation, there may be a case wherein the investigating officer has sent a notice for appearance of the accused to join the investigation under Section 41-ACrPC [now Section 35(3) to Section 35(6) of BNSS 2023] pursuant to which the accused has joined the investigation. The investigating



2026:UHC:6179-DB

officer, after perusal of material available before him and/or on interrogating the accused, makes up his mind that the arrest of the accused person is required for further investigation or has other reason(s) for arrest, in such cases, since the accused is under the supervision of the investigating agency and there exists no apprehension of him absconding, it becomes incumbent upon the police officer to supply the grounds of arrest in writing on arresting the accused person. This can also be followed, for instance, in cases involving offences which are primarily based on documentary evidence/records, economic offences such as under PMLA where the grounds of arrest in writing be furnished to the arrested person on arrest simultaneously.”

12. In the case of Gharban Ali Pour Azadi (*supra*), it was, *inter alia*, held that **“the trial Court has referred to a later decision of the learned Single Judge of this Court in Munsamy Shanmugam v. Collector of Customs, reported in 1995 Cri. L.J. 1740 which was decided on 25th October, 1994, wherein it has been clearly held that mere taking a person to custody for the purpose of enquiry does not amount to arrest and we have to calculate the time of 24 hours from the time of formal arrest.”** The Court observed that it was in respectful agreement with the said later decision of this Court.

13. In the case of Rameswar Talukdar (*supra*), the Hon’ble Supreme Court interpreted the meaning of arrest, detention, etc. In paragraphs 20 and 21, it observed as follows:-

“20. It needs to be mentioned that the word ‘arrest’ implies apprehension or restraint on, or the deprivation of one’s personal liberty by adopting the procedure laid in section 46 of the Cr.PC, which are (a) submission to custody, (b) trouncing the body physically, or (C) confining the body. Therefore, detention of a person to amount to arrest, it must be shown that he is put under restraint which prevents him from going wherever he likes, to which sections 56 and 57 of the Cr.PC are applicable.

**2026:UHC:6179-DB**

21. In other words, in case of detention, the person so detained is not formally accused of committing any offence. In such a situation, the person is only questioned or investigated by the detaining authority. In case of arrest, however, the person is reasonably charged of commission of a crime and has to be produced before a Magistrate within the next 24 hours. In certain other situations, of course, initial detention may lead to arrest of the person, subject to the safeguards for arrest and detention under the provisions of article 22 of the Constitution and other mandatory provisions of sections 50 and 50A of the Cr.PC.”

14. On the question of new material being available before the Investigating Officer so as to effect the arrest of the petitioner on 01.06.2026, it is argued that the co-accused had earlier been examined by the Investigating Officer, the petitioner had also been examined on multiple occasions, and on 01.06.2026, the Investigating Officer formed an opinion based on the material available with him and the examination of the petitioner, and arrested him. It is argued that this constituted additional material which empowered the Investigating Officer to arrest the petitioner.

15. It is also argued that the police custody remand order dated 03.06.2026 has been challenged by the petitioner, but the challenge has now been rendered infructuous because the period of police custody remand has already expired. It is further argued that the petitioner has not challenged the judicial custody remand. Even otherwise, it is argued that the police custody remand is based on material that was extensively examined by the Court before forming its opinion and granting the police custody remand. It is submitted that, at this stage, such findings are not required to be recorded, as they are ultimately required to be recorded at the stage of delivering the judgment.



2026:UHC:6179-DB

16. Learned counsel for the CBI submitted that the Habeas Corpus petition is not maintainable as it challenges the remand orders. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court in *Serious Fraud Investigation Office vs. Rahul Modi and Another*, reported in (2019) 5 SCC 266.

17. In the case of *Rahul Modi (supra)*, the Hon'ble Supreme Court, *inter alia*, held that the legality or otherwise of the detention is to be decided at the time of the return filed in the Habeas Corpus petition, and not with reference to the institution of the proceedings. In paragraphs 19, 20.3, and 21, the Hon'ble Supreme Court observed as follows:-

“19. The law is thus clear that “in habeas corpus proceedings a court is to have regard to the legality or otherwise of the detention at the time of the return and not with reference to the institution of the proceedings”.

.....

20.3. A Bench of three learned Judges of this Court in *State of Maharashtra v. Tasneem Rizwan Siddiquee* [State of Maharashtra v. Tasneem Rizwan Siddiquee, (2018) 9 SCC 745 : (2019) 1 SCC (Cri) 386] concluded as under: (SCC pp. 751-52, paras 10-12)

“10. The question as to whether a writ of habeas corpus could be maintained in respect of a person who is in police custody pursuant to a remand order passed by the jurisdictional Magistrate in connection with the offence under investigation, this issue has been considered in *Saurabh Kumar v. Jailor, Koneila Jail* [Saurabh Kumar v. Jailor, Koneila Jail, (2014) 13 SCC 436 : (2014) 5 SCC (Cri) 702] and *Manubhai Ratilal Patel v. State of Gujarat* [Manubhai Ratilal Patel v. State of Gujarat, (2013) 1 SCC 314 : (2013) 1 SCC (Cri) 475] . It is no more *res integra*. In the present case, admittedly, when the writ petition for issuance of a writ of habeas corpus was filed by the respondent on 18-3-2018/19-3-2018 and decided by the High Court on 21-3-2018 [*Tasneem Rizwan Siddiquee v. State of Maharashtra*, 2018 SCC OnLine Bom 2712] her husband Rizwan



2026:UHC:6179-DB

Alam Siddiquee was in police custody pursuant to an order passed by the Magistrate granting his police custody in connection with FIR No. I-31 vide order dated 17-3-2018 and which police remand was to enure till 23-3-2018. Further, without challenging the stated order of the Magistrate, a writ petition was filed limited to the relief of habeas corpus. In that view of the matter, it was not a case of continued illegal detention but the incumbent was in judicial custody by virtue of an order passed by the jurisdictional Magistrate, which was in force, granting police remand during investigation of a criminal case. Resultantly, no writ of habeas corpus could be issued.

.....

12. Suffice it to observe that since no writ of habeas corpus could be issued in the fact situation of the present case, the High Court should have been loath to enter upon the merits of the arrest in the absence of any challenge to the judicial order passed by the Magistrate granting police custody till 23-3-2018 and more particularly for reasons mentioned in that order of the Magistrate. In a somewhat similar situation, this Court in State v. N.M.T. Joy Immaculate [State v. N.M.T. Joy Immaculate, (2004) 5 SCC 729 : 2004 SCC (Cri) 1722] deprecated passing of disparaging and strong remarks by the High Court [N.M.T. Joy Immaculate v. State, 2002 SCC OnLine Mad 265 : (2002) 1 MWN (Cri) 237] against the investigating officer and about the investigation done by them. Accordingly, we have no hesitation in expunging the observations made in paras 4 to 6 of the impugned judgment [Tasneem Rizwan Siddiquee v. State of Maharashtra, 2018 SCC OnLine Bom 2712] against the police officials concerned in the facts of the present case.”

21. The act of directing remand of an accused is thus held to be a judicial function and the challenge to the order of remand is not to be entertained in a habeas corpus petition.

”

18. At this stage, learned counsel for the petitioner further submits that, in fact, the notice of appearance issued to the petitioner does not conform to the Standing Orders required to be

**2026:UHC:6179-DB**

followed pursuant to the directions of the Hon'ble Supreme Court in *Satender Kumar Antil vs. Central Bureau of Investigation and Another*, reported in 2026 SCC OnLine SC 162. It is argued that, since the notice was not in the prescribed format, the petitioner's rights have been prejudiced because, had he known that he was being called as an accused, he would have chosen to avail himself of the remedy of anticipatory bail. It is also argued that, in fact, the Habeas Corpus petition is very much maintainable in view of the judgment of the Hon'ble Supreme Court in *Gautam Navlakha vs. National Investigation Agency*, reported in (2022) 13 SCC 542. In paragraph 80 of the judgment, the Hon'ble Supreme Court observed as follows:-

“80. Thus, we would hold as follows : If the remand is absolutely illegal or the remand is afflicted with the vice of lack of jurisdiction, a habeas corpus petition would indeed lie. Equally, if an order of remand is passed in an absolutely mechanical manner, the person affected can seek the remedy of habeas corpus. Barring such situations, a habeas corpus petition will not lie.”

19. It is argued that the case of the petitioner is squarely covered by the said judgment. In reply, learned counsel for the CBI argued that, in fact, in the case of *Nandini Satpathy vs. P.L. Dani & Anr.*, reported in (1978) 2 SCC 424, the Hon'ble Supreme Court held that a notice under Section 161 of the Code of Criminal Procedure, 1973 could also be issued to an accused. He referred to paragraph 10(7) as well as paragraph 35, which read as follows:-

“10. The points in controversy may flexibly be formulated thus:

.....

(7) Does “any person” in Section 161 of the Criminal Procedure Code include an accused person or only a witness?

**2026:UHC:6179-DB**

35. We will now answer the questions suggested at the beginning and advert to the decisions of our Court which set the tone and temper of the “silence” clause and bind us willy-nilly. We have earlier explained why we regard Section 161(2) as a sort of parliamentary commentary on Article 20(3). So, the first point to decide is whether the police have power under Sections 160 and 161 of the CrPC to question a person who, then was or, in the future may incarnate as, an accused person. The Privy Council and this Court have held that the scope of Section 161 does include actual accused and suspects and we deferentially agree without repeating the detailed reasons urged before us by counsel.”

20. This petition has been heard finally at the stage of admission itself. The legality of the remand, arrest, and custody has been challenged on multiple grounds, as stated in the petition. In the case of Gautam Navlakha (*supra*), the Hon'ble Supreme Court, in fact, held that a Habeas Corpus petition would be maintainable where a remand is absolutely illegal or is affected by a lack of jurisdiction. In addition, the Hon'ble Supreme Court also held that if an order of remand has been passed in an absolutely mechanical manner, a Habeas Corpus petition may lie. Is this such a case?

21. It is true that in every cognizable offence, it is not mandatory for an Investigating Officer to effect an arrest. The power to arrest and the necessity of arrest are two different concepts. They need no further elaboration. The factual narration is not disputed, namely, that the petitioner was issued a notice under Section 179 of the BNSS to appear before the Investigating Officer. He appeared on multiple occasions. He appeared on 30th May, 2026, when he was questioned and allowed to go back with directions to appear again on 1st June, 2026. On 1st June, 2026, the petitioner appeared and was arrested on that day. The arrest memo is on record. It is quite detailed. It records whether the grounds of arrest had been



explained, the reasons for arrest, etc. The arrest is also based on the examination of the petitioner. The Investigating Officer took a conscious decision to arrest the petitioner based on the material available before him. It cannot be said that the arrest was mechanical.

22. Learned counsel for the petitioner argued that the statement of an accused may not be a ground for arrest.

23. A confession made by an accused before a police officer is definitely not admissible, but what was revealed by the petitioner to the Investigating Officer on 1st June, 2026, or on the days preceding it, which, according to the Investigating Officer, necessitated the arrest of the petitioner, cannot be examined at this stage. This Court is not required to undertake a deeper scrutiny of the same. Suffice it to say that the Investigating Officer took a conscious decision on 1st June, 2026, to arrest the petitioner based on the investigation carried out by him and upon the examination of the petitioner. Therefore, it cannot be said that, on 1st June, 2026, there was no necessity to arrest the petitioner.

24. It is argued that the petitioner was produced before the Magistrate beyond 24 hours of his arrest. The contention is that the petitioner appeared before the CBI on 1st June, 2026, at 12:00 noon, and his movements were restricted from that time onwards. Therefore, it is argued that the arrest is to be considered as having taken place at 12:00 noon on 1st June, 2026, when the petitioner appeared before the CBI and his movements were allegedly restricted. This has been countered by learned counsel for the CBI, who argues that mere presence does not amount to custody, apprehension, or detention.

**2026:UHC:6179-DB**

25. Undoubtedly, an accused may also be required by the Investigating Officer to appear before him for the purpose of investigation. The examination of an accused during investigation by an Investigating Officer is not barred; in fact, it is permissible. In the case of Nandini Satpathy (*supra*), the Hon'ble Supreme Court has laid down the law on that aspect, which has already been quoted hereinabove.

26. The judgments cited on behalf of the petitioner, namely, Hanumant Jagganath Nazirkar (*supra*) and T. Ramadevi (*supra*), are distinguishable. In both those cases, the petitioners did not merely appear before the investigating agency; rather, they were either taken into custody or apprehended, which is not the situation in the instant case.

27. Moreover, the Court enquired from learned counsel for the petitioner as to whether this plea had been taken before the Remand Magistrate at Mumbai. The answer is in the negative. But, learned counsel for the petitioner submitted that it is a constitutional right of the petitioner, which can be asserted at any time. Undoubtedly, a constitutional right cannot be waived, and the petitioner is free to take such a plea. However, mere presence before the CBI cannot be termed as detention, custody, or apprehension. If, in fact, the movement of the petitioner had been restricted the moment he appeared before the CBI on 1st June, 2026, at 12:00 noon, he would have raised this issue before the Remand Magistrate, which he did not. For the first time, it is being agitated before this Court. Therefore, it cannot be said in the instant case that the petitioner was arrested at 12:00 noon on 1st June, 2026. He was arrested at 6:00 PM and was produced before the Magistrate within 24 hours.



28. The challenge has also been made to the police custody remand order dated 03.06.2026 passed by the Court of the 1st Additional Sessions Judge/Special Judge, BUDS Act, Uttarakhand. This order is quite extensive. The remand order records the case of the prosecution, the submissions advanced, and what the witnesses have stated. The Court considered all the aspects of the matter and opined that it was necessary to grant police custody remand. The reasons, though brief, have been stated therein. It is not a mechanical order. It contains reasons. Therefore, it cannot be said that the police custody remand order dated 03.06.2026 in respect of the petitioner is illegal.

29. One of the grounds taken to challenge the detention relates to the grounds of arrest. It is argued that they were communicated in English, a language with which the petitioner is not conversant. Admittedly, the petitioner was issued notices under Section 179 of the BNSS in English, and pursuant thereto, he appeared. When the petitioner was produced before the Remand Magistrate at Mumbai, he filed objections, and the objections filed by him at the time of the transit remand form part of this petition. In paragraph 3 thereof, the petitioner stated that the grounds of arrest were *ex facie* vague, omnibus, mechanical, and legally insufficient, and failed to satisfy the constitutional and statutory requirements governing arrest. The petitioner did not raise the ground that he did not understand English or he was not conversant with the language, or was unable to understand the communication of the grounds of arrest in a meaningful manner. In its remand order dated 02.06.2026, the Remand Magistrate at Mumbai considered the objections regarding the grounds of arrest raised by the petitioner in paragraph 4 thereof



and recorded a finding that the Investigating Officer had fully complied with the mandatory provisions of the BNSS while effecting the arrest and producing the accused before the Remand Magistrate. Therefore, on this ground also, the custody cannot be termed illegal.

30. Having considered the entirety of the facts, this Court is of the view that there is no reason to make any interference. Therefore, the instant petition deserves to be dismissed at the stage of admission itself.

31. The petition is dismissed *in limine*.

(Siddhartha Sah, J.)
22.07.2026

(Ravindra Maithani, J.)
22.07.2026

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