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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 368/2025

MAQSOOD AHMAD AND ORS.Petitioners

Through: Mr. Kartik Murukutla,
Adv.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Rahul Tyagi, ASC for
the State with Mr. Mathew
M. Philip, Mr. Sangeet
Sibou and Mr. Aniket
Kumar Singh, Advs. with
Insp. Prateek Saxena, PS
Naraina.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

20.05.2025

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1. By the present petition, the petitioners pray as under :

- a) *Declare the arrest of the Petitioner as illegal and in gross violation of the fundamental rights of the Petitioner guaranteed under Article 21 and 22 of the Constitution of India in relation to FIR no.416/2024 PS Naraina dated 1.12.2024;*
- b) *Declare and set aside the remand order dated 02.12.2024 and all subsequent orders consequentially passed by the Ld. Trial Court, Ld. MM, Patiala House Courts, as null and void as the same being passed in complete violation of all constitutional mandates of the Petitioner;*
- c) *Direct immediate release of the Petitioner from custody in FIR no. 416/2024 PS Naraina dated 1.12.2024;*
- d) *Pass any such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

2. The petitioners seek a declaration that their arrest is illegal.
3. The case of the petitioners is that the grounds of arrest were not supplied to them.
4. The State has handed over the photocopies of document



titled as 'Grounds of Arrest' holding thumb impressions of two of the petitioners and signatures of two of the petitioners, indicating that the same were supplied to the petitioners.

5. Even otherwise, it is undisputed that the petitioners have already availed of their remedy of filing an application seeking bail.

6. Undisputedly, if the learned Trial Court, while dealing with the bail application, finds that the fundamental rights of the petitioners have been violated while arresting them, it is the duty of the learned Trial Court to release the petitioners on bail.

7. This Court does not consider it apposite to keep the present petition pending when the learned Trial Court is already hearing the application for the release of the petitioners.

8. The learned counsel for the petitioners submits that the grounds of arrest were not supplied to the petitioners.

9. The State is directed to give a copy of the Grounds of Arrest to the learned counsel for the petitioners.

10. The present petition is disposed of with the aforesaid observations.

11. The learned Trial Court is directed to decide the bail application filed by the petitioners without being influenced by any observation made by this Court in the present order.

AMIT MAHAJAN, J

MAY 20, 2025 / 'KDK'