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

+ **CRL.M.C. 4312/2025 & CRL.M.A. 18809/2025**

ZIAUR RAHMAN

.....Petitioner

Through: Mr. Fahad Khan, Mr. Md. Imran
Ahmad, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with SI Gulshan Kumar, PS
Cyber Cell/Crime Branch
Mr. Sherafgon, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.07.2025

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1. Through the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²), the Petitioner seeks quashing of the remand order dated 26th June, 2025, passed by the Chief Judicial Magistrate, South-East District, Saket Courts, New Delhi in FIR No. 138/2025 registered at P.S. Crime Branch. Consequently, the Petitioner also seeks his release from custody.

2. The Petitioner is implicated in FIR No. 138/2025 dated 05th June, 2025 registered under Sections 308(4), 318(4), 351(3), 351(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023³, at P.S. Crime Branch. He was arrested on 21st June, 2025 and produced before the Magistrate on the next day, i.e.,

¹ "BNSS"

² "CrPC"

³ "BNS"



22nd June, 2025. On that date, the Duty Judicial Magistrate First Class⁴, South-East District, Saket Courts, passed the following order:

*“Medical record seen. No fresh external injury reported. Son has been informed of the fact of arrest of the accused **and the accused has been informed of the grounds of his arrest.**”*

Heard. FIR, Arrest memo, case diary and case file perused.

Five days police remand of accused has been sought for the purpose of interrogation in order to recover relevant documents and further investigation.

Record perused.

Considering the submissions made by IO, accused is remanded to PC for 2 days. He be produced in the court concerned / Duty Magistrate on 24.06.2025. Custody of the accused is handed over to SI Gulshan Kumar.

Accused be medically examined as per rules.

Needless to say that the obligation to maintain the health and safety of the accused persons during the period of PC would be of SI/Gulsha Kumar.”

[Emphasis supplied]

3. Subsequently, on 24th June, 2025, the Petitioner vehemently opposed the request for seeking extension of police custody remand. He argued that no grounds had been made out to justify further police custody and, more crucially, contended that his arrest itself was illegal on account of non-supply of the grounds of arrest. In support of this submission, reliance was placed on the judgement of this Court in ***Gagan v. State of NCT of Delhi***.⁵

4. Taking note of this objection, the Trial Court, at that stage, observed that the Investigating Officer had not demonstrated from the record that the grounds of arrest had indeed been supplied to the Petitioner. Acknowledging this lapse, the Court while making certain observations, in the interest of fairness, granted the Investigating Officer an opportunity to produce the attested copy of the grounds of arrest on the next date. In the interim, the

⁴ “JMFC”

⁵ BAIL APPLN No. 73/2025, decided on 28th February, 2025.



Petitioner was remanded to judicial custody for two days.

5. Thereafter, on 26th June, 2025, the Court examined the record and found that the Investigating Officer had duly supplied the grounds of arrest to the Petitioner at the time of his arrest on 21st June, 2025. A copy bearing the Petitioner's signatures was produced before the Court, dispelling any doubts regarding compliance with statutory requirements. In these circumstances, the Trial Court concluded that the arrest of the Petitioner was not vitiated by illegality. Consequently, a further police custody remand for a period of two days was granted to facilitate ongoing investigation.

6. At present, the Petitioner remains in judicial custody and has already applied for regular bail. However, through the instant petition, he seeks immediate release primarily on the ground that the mandatory requirement of supplying the grounds of arrest was not complied with. Counsel for the Petitioner contends that Article 22 of the Constitution of India enshrines a fundamental right of being informed of the grounds for arrest at the earliest opportunity. Emphasising this constitutional safeguard, counsel relies heavily on the decisions of the Supreme Court in ***Pankaj Bansal v. Union of India and Ors***,⁶ and ***Prabir Purkayastha v. State***⁷ as well as the judgment of this Court in ***Pranav Kuckreha v. State (NCT of Delhi)***.⁸ It is argued that non-compliance with this imperative requirement renders the arrest unlawful, thereby entitling the Petitioner to immediate release.

7. The counsel places substantial reliance on the Trial Court's order dated 24th June, 2025 wherein it has been explicitly recorded that the Investigating Officer had failed to demonstrate from the record that the

⁶ 2023 SCC OnLine SC 1244.

⁷ 2024 INSC 414.



Petitioner had indeed been supplied with the grounds of arrest. Counsel argues that the subsequent impugned order dated 26th June, 2025, which concludes that the grounds of arrest had in fact been furnished, is fundamentally at variance with the earlier findings. It is submitted that this conclusion disregards the Petitioner's unequivocal and consistent stand, maintained and noted on prior occasions, that no grounds of arrest were provided to him. Moreover, counsel contends that the purported copy of the grounds of arrest, which was produced before the Trial Court on 26th June, 2025, emerged belatedly, five days after the arrest on 21st June, 2025. This, according to counsel, seriously undermines its authenticity and credibility, suggesting an afterthought rather than genuine compliance with constitutional and statutory mandates.

8. The Court has carefully considered the aforementioned contentions, but finds no merit in them. It is significant to note that on 22nd June, 2025, when the Petitioner was produced before the Judicial Magistrate, it was expressly recorded that he had been informed of the grounds of arrest. On that date, the Petitioner was represented by counsel and was thus, fully aware of his legal rights. If, as now claimed, the Petitioner had indeed not been supplied with the grounds of arrest, it was incumbent upon him or his counsel to immediately draw the Court's attention to this alleged lapse and seek necessary redressal then and there. Rather than doing so, the Petitioner now seeks to assail the record by alleging that the order dated 22nd June, 2025, was passed mechanically, a contention which appears to be an afterthought and lacks substance.

9. Furthermore, on the subsequent date, i.e., 24th June, 2025, while

⁸ 2024 SCC OnLine Del 9549.



dealing with the Petitioner's contention, the Trial Court noted that even though the IO was unable to show the grounds of arrest as being there on the record of the Court, he showed a copy of the same on his mobile and thereafter, printed a copy and submitted it to the Court. In this regard, it is important to take note of the specific findings of the Court, which are as follows:

"Ld. APP for the State has argued that police custody of the accused is required for proper investigation in the present case.

It is submitted by the IO that data of the mobile of the accused is to be analyzed and clarifications about suspicions amount found during the analysis of the multiple bank account of the accused is to be sought and son of the accused is to be traced who is the prime suspect in the case.

Ld. Counsel for the accused strongly opposes the grant of police remand as no case is made out for the same. He submits that no custody is required for analysis of the mobile data.

He further submits that the arrest is illegal as the ground of arrest is not supplied to the accused.

He has relied upon the judgment of Hon'ble Delhi High court in Gagan Vs. State of NCT of Delhi bail application No. 73/2025.

IO submits that grounds of arrest were supplied to the counsel for the accused. However, he has not been able to produce the written copy of the ground of arrest in his file and is unable to show the same in the file produced before the court. Later, he has only shown the copy of the ground of arrest in his mobile and thereafter printed a copy of the same and submitted the same before the court.

At this stage, Ld. Counsel for the accused has opposed the same and has submitted that the ground of arrest shown in the mobile is not attested by the accused and IC) has failed to prove from any record that the same was provided to the accused.

At this stage, IO shocking submits that he has forgotten the attested copy of the grounds of arrest in his office and seeks time to file the same.

At this stage, Ld. Counsel for the accused that IO had earlier submitted before the court that he had not retained any copy of the grounds of arrest and the only copy was supplied to the counsel for the accused. He suspects that IO will now fabricate a copy of the grounds of arrest and produce the same before the court.



This court is not concerned whether the attested copy of the grounds of arrest could be present with the IO in his office or not. The same has to be produced before the court with the case file. The fact that the same is not before the court gives credence to the version of the accused that the same was not supplied to him.

There is no proof with the IO at the time of production of the accused today that the grounds of arrest were supplied to him. Accused has categorically stated that he has not received the copy of grounds of arrest.

However, perusal of the court order dated 22.06.2025, categorically states that the accused has been informed of the grounds of his arrest.

Accordingly, IO is given an opportunity to file the attested copy of the grounds of arrest before the court on NDOH.

In the meantime, accused be sent to 02 JC Remand.

However, a report be called from DCP concerned as to how the IO is producing the accused before the court with incomplete documents and the same be filed on NDOH.

Be put up on 26.06.2025."

[Emphasis supplied]

10. As evident from the above, while the Court noted a lapse in promptly producing the attested copy, reliance was also placed on order dated 22nd June, 2025, which clearly recorded that the Petitioner had been informed of the grounds of arrest. The Trial Court thus adopted a balanced approach by giving the IO an opportunity to produce the attested copy while simultaneously ensuring that the Petitioner's custody did not exceed permissible limits by placing him in judicial remand.

11. In light of the above circumstances, it is evident that the Trial Court undertook a thorough examination of the Petitioner's grievance. On a pointed query posed by the Trial Court, the Investigating Officer clarified that since the Petitioner is not literate, a signed and attested copy of the grounds of arrest was duly supplied to his counsel at the time of arrest. Furthermore, the Trial Court observed that the counsel representing the Petitioner on 22nd June, 2025, was not same as the one who appeared on



subsequent dates. Pertinently, the photocopy of the grounds of arrest dated 21st June, 2025 bearing the Petitioner's signature was eventually produced before the Trial Court. Thus, the Trial Court rightly concluded that there was no basis to term the arrest as illegal and, on that foundation, proceeded to allow the application for police custody remand.

12. The photocopy of the grounds of arrest dated 21st June, 2025 has been annexed in the present petition as Annexure P-6, and it apparently bears the signature of the Petitioner. The fact that the judicial order dated 22nd June, 2025, explicitly records that the Petitioner was informed of the grounds of arrest, coupled with the production of a signed copy on record, unequivocally supports the conclusion that due process was followed. In the considered view of this Court, these circumstances contradict the Petitioner's assertion that he was not apprised of the grounds of his arrest. Consequently, the Petitioner's continued custody cannot be termed illegal on this ground.

13. In view of the above, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

JULY 8, 2025/ab