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

+ **CRL.M.C. 7921/2025 & CRL.M.A. 33159/2025**

DEEPAK BERI

.....Petitioner

Through: Mr. Satish Kumar
Tripathi, Adv.

versus

STATE NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State
SI Vikas Bhardwaj & SI
Amit Beniwal, PS- M.S.
Park

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

11.11.2025

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1. By the present petition, the petitioner challenges the order of arrest stating that the grounds of arrest were not supplied to him in writing thereby rendering the arrest of the petitioner illegal and in gross violation of Article 22(1) of the Constitution of India.

2. Briefly stated, FIR No. 197/2024 was registered at Police Station Mansarovar Park for the offences under Sections 420/467/468/471/120B/34 of the Indian Penal Code, 1860. It is alleged that the complainant was sold a property bearing No. 1/3278, Khasra No. 573, Gali No. 1, Ram Nagar Extension, Shahdara by the petitioner and one Umesh Rani for a total consideration of ₹72,71,000/- on the false representation that the property was free from all encumbrances including mortgage,

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lien etcetera. It is alleged that thereafter, the relevant title documents as well as the physical possession were handed over to the complainant on 29.12.2023. It is alleged that thereafter the complainant learnt that the said property was mortgaged with the Bank and loan was never repaid by the petitioner and co-accused Umesh Rani.

3. The petitioner was arrested on 07.05.2024.

4. The learned counsel for the petitioner submits that the order of arrest is illegal as the grounds of arrest were not supplied to the petitioner in writing.

5. *Per contra*, the learned Additional Public Prosecutor for the State submits that the petitioner and his wife were informed about the grounds of arrest and that the petitioner was also duly represented before the learned Trial Court as well as this Court at the time of the hearing of his bail applications.

6. From a perusal of the remand order dated 07.05.2024, it is apparent that the remand was sought on account of the petitioner being involved in serious offences and for the apprehension of co-accused Umesh Rani who was absconding and for recovery of stamp material used to create forged documents. On that occasion, considering that the case was at the initial stage as well as the nature of offences, the grounds of arrest was found justifiable. The learned Magistrate also noted that the wife of the petitioner had been informed about the grounds of arrest and that the petitioner had already been defended by the legal practitioner of his choice.

7. It is pertinent to note that the petitioner, at this stage, has claimed that a detailed copy of the grounds of arrest was not supplied to him in writing which renders the arrest of the
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petitioner illegal. In that relation, the learned counsel for the petitioner has also placed reliance on ***Prabir Purkayastha v. State (NCT of Delhi) : 2024 INSC 414*** and ***Vihaan Kumar v. State of Haryana & Anr. : 2025 INSC 162*** to contend that the non-supply of the grounds of arrest in writing would render the arrest of the petitioner illegal and a violation of Article 22(1) of the Constitution of India.

8. In that regard, it is pertinent to note that the petitioner was arrested on 07.05.2024, however, the said judgments were passed post the arrest of the petitioner was effected and only apply prospectively. Recently, the Hon'ble Apex Court in the case of ***Mihir Rajesh Shah v. State of Maharashtra : 2025 SCC OnLine SC 2356*** while placing reliance on ***Prabir Purkayastha v. State (NCT of Delhi) (supra)*** in relation to the ground of arrest being informed to the arrested person in writing and its prospective application noted as under:

"57. After having come to the above conclusion, it is pertinent to note that the provision of law under Section 50 of CrPC 1973 (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in Prabir Purkayastha (supra), held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.

58. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this



procedure as affirmed above shall govern arrests henceforth.”

(emphasis supplied)

9. As noted above, the arrest of the petitioner was effected prior to the passing of the judgment of ***Prabir Purkayastha v. State (NCT of Delhi)*** (*supra*) and do not apply to the case of the petitioner.

10. Even otherwise, the Hon’ble Apex Court in the case of ***State of Karnataka v. Sri Darshan*** : 2025 SCC OnLine SC 1702 has clarified that while the procedural mandate of supply of written grounds is mandatory, however, the mere absence of the same does not render the arrest illegal unless the accused is prejudiced due to denial of fair opportunity. From a perusal of the record and the remand order dated 07.05.2024, it transpires that the petitioner as well as his wife were informed about the grounds of arrest and the petitioner was also defended by a legal practitioner of his choice before all the forums.

11. Undisputedly, the arrest of the petitioner was made back on 07.05.2024 whereafter multiple bail applications were filed by the petitioner before the learned Trial Court and also before this Court. The application seeking regular bail preferred by the petitioner before this Court was dismissed *vide* order dated 26.05.2025. The petitioner, in the opinion of this Court, thus cannot claim that he is not aware of the grounds of arrest at this stage and no prejudice can be held to have been caused to the petitioner after almost one and a half years of his arrest when concededly, the petitioner had been represented by a counsel and had been appearing before the learned Trial Court and various Courts including this Court have applied its mind to the case of



the petitioner when considering the bail applications preferred by the petitioner.

12. The present petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

NOVEMBER 11, 2025
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