HC-KAR
NC: 2026:KHC:61977
CRL.P No. 12023 of 2026
CNR: KAHC010544842026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 12023 OF 2026

BETWEEN:

SRI DHEERAJ,
AGED ABOUT 30 YEARS,
S/O LATE ASHOK SHARMA,
R/O NO.33, 4TH FLOOR,
7TH BLOCK, DAKSHNINIPURI,
AMBEDKARNAGAR,
SOUTH DISTRICT, DELHI-110062,
PETITIONER CURRENTLY IN JUDICIAL CUSTODY.

...PETITIONER

(BY SRI SOMANNA K P,ADVOCATE)

AND:

STATE OF KARNATAKA,
BY HEBBAL POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BENGALURU - 560001.

...RESPONDENT

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO a) SET ASIDE THE ORDER OF TRANSET WARRANT DTD 15.05.2026 PASSED BY THE DUTY JMFC (NI ACT)-04, SOUTH SAKET, NEW DELHI AND THE 1st ORDER OF REMAND DTD 19.05.2026 PASSED BY THE LEARNED 8th ACJM, BENGALURU, ARISING OUT OF CR.NO.92/2026, TOGETHER WITH ALL CONSEQUENTIAL REMAND ORDERS PASSED THEREAFTER AND ETC.

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THIS PETITION, COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned State Public Prosecutor for the respondent.

2. Learned counsel for the petitioner would submit that the petitioner was arrested on 14.05.2026 at 11:00 a.m. in Delhi and was produced before the Magistrate on the next day at 05:00 p.m i.e. beyond 24 hours from the time of arrest.

3. Learned counsel for the petitioner would refer to the judgment of the Apex Court in ***SRI SUJIT DAS AND ORS. ETC. VS. UNION OF INDIA***[1] and would contend that the computation of 24 hours has to commence from the time of apprehending and not from the time of formal arrest. Thus, learned counsel for the petitioner would contend that the arrest is illegal and the petitioner has to be released.

4. The learned Additional State Public Prosecutor would submit that the petitioner has suppressed the fact that

[1] Arising out of SLP (Criminal) Nos.12451-12453/2026

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he had filed a petition seeking bail and the same was withdrawn without any liberty to file a fresh petition challenging the order of arrest. Thus, would contend that the petitioner is not entitled to any relief.

5. Learned Additional SPP elaborating the contention would submit that the petitioner had filed this petition on 05.08.2026 and in this petition he has not disclosed his earlier petition seeking bail. It is submitted that the bail petition was withdrawn on 08.08.2026 without reserving any liberty to challenge the order of detention. It is urged that since the petitioner has suppressed this fact is not entitled to any relief in this case.

6. In addition to that learned Additional SPP also submit that the petitioner was arrested at 11:00 a.m. and was produced before the Magistrate at 05:00 p.m. next day as such, the arrest is legal.

7. The Court has considered the contentions raised at the Bar and perused the records.

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8. From the records, it is evident that the petitioner was apprehended at 11:00 a.m. and he was later produced before the Magistrate on the next day at 05:00 p.m., 24 hours after the time of apprehending the petitioner. The Apex Court in the case of ***SRI SUJIT DAS AND ORS. ETC.,*** *supra, in para No.69* has held as under:

> *"69. In the circumstances, we would like to summarize our conclusions as under:*
>
> > *(i) the 24 hours timeline as mandated under clause (2) of Article 22 of the Constitution of India would commence from the date and time of detention of the person detained when his liberty stands curtailed and not from the time of his formal arrest;*
> >
> > *(ii) in the event, such detention continues beyond 24 hours before the person is produced before a magistrate, he shall be forthwith released from custody;*
> >
> > *(iii) while computing the 24 hours deadline, no other time period is permitted to be excluded therefrom except the time necessary for the journey from the place of arrest to the court of the magistrate;*
> >
> > *(iv) the decisions of the Orissa High Court in Aryaman Pattnayak, Madras High Court in*

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Kannan and Kerala High Court in Arun K. Thomas do not lay down the correct law qua interpretation of clause (2) of Article 22 of the Constitution of India;

(v) the detaining authority should keep in mind not only the 24 hours deadline mandated by clause (2) of Article 22 of the Constitution but also ensure that such detention should not extend beyond a reasonable period within the 24 hours period considering the circumstances of the case in terms of Section 58 BNSS (Section 57 CrPC);

(vi) at the time of production, the magistrate is duty bound to record the actual date and time of detention of the person produced before him when his liberty stood curtailed and examine whether the 24 hours deadline has been complied with or not from the time of such detention. If there is breach of the 24 hours deadline, the concerned person shall be released forthwith from detention;

(vii) the magistrate shall also examine at the time of production whether the detention of the person produced, though is within the time frame of 24 hours, has exceeded the period which can be construed

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> *to be reasonable in the circumstances of the case. If he is satisfied that detention in custody has been for a longer period than what is reasonable, he may decline remand;*
>
> *(viii) in so far the present case is concerned, for the reasons cited in paragraphs 65, 66 and 67 above, the detention of the appellants was not only in breach of clause (2) of Article 22 of the Constitution of India but was for a period beyond what can be construed to be a reasonable period considering all the circumstances of the case which was in contravention of Section 58 BNSS (Section 57 CrPC);*
>
> *(ix) consequently, we set aside the impugned judgment and order of the High Court dated 29.04.2026 and direct that the appellants shall be produced before the jurisdictional Special Court within a maximum period of 7 days from today whereafter they shall be released on bail on such terms and conditions as may be deemed appropriate".*

9. The Apex Court has held that the 24 hours timeline as mandated under clause 2 of Article 22 of the Constitution commences from the date and time of detention of the person detained and not from the time of his formal arrest.

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10. Since it is an admitted fact that the petitioner was apprehended at 11:00 a.m. his detention beyond 24 hours and production at 05:00 p.m. next day is per se illegal.

11. Under the circumstances, the petitioner has to be released.

12. Though the learned Additional SPP would submit that the petitioner has not disclosed the fact that his bail petition is pending before this Court when he filed the present petition, the Court is the view that the present petition is on the ground that the arrest is illegal and the prayer in the bail petition for his release would be on a different ground. Even in the said petition seeking bail if the petitioner had urged the ground that his detention beyond 24 hours is illegal, the withdrawal of the earlier petition cannot be construed as a bar to raise the said ground in the present petition. However, the Court is of the view that the petitioner should have disclose the said fact in the petition.

13. The suppression of the said fact cannot be a ground to reject the present petition seeking petitioner's release on the

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ground that arrest beyond 24 hours is illegal. The Court has not appreciated the conduct of the petitioner in not disclosing the fact that his petition seeking bail is pending consideration when he has filed the present petition.

14. Hence, the following:

ORDER

(i) Petition is ***allowed***.

(ii) The petitioner is ordered to be released, forthwith, if not required in any other cases.

(iii) However, the respondent-State is at liberty to take such action as advised in law, in case his custody is required for justifiable reasons as the petitioner is ordered to be released on the technical ground that his arrest beyond 24 hours without producing the petitioner before the Magistrate is illegal.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 57
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