



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

353

CRM-M-28163-2025 (O&M)

Date of decision: 10.03.2026

Ashish Aggarwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Chetan Mittal, Senior Advocate with
Mr. Mayank Aggarwal, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

Mr. Akashdeep Singh, Advocate
for the complainant.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition, under Section 528 BNSS Petitioner, Ashish Aggarwal, son of Vinod Aggarwal, resident of E1809, Sector-107, Parteek Edifice Noida, Gautam Buddha Nagar, UP, an accused in case bearing FIR No.351 dated 07.12.2024 registered against him at Police Station Sadar, District Rohtak, for the commission of offences punishable u/s 103(1), 109(2), 3(5) of BNS and Section 25 of Arms Act, 1959 (Sections 111(2)(a)/317(2)/61 BNS and Section 27/29 of Arms Act added later on), has sought a declaration that his arrest and subsequent remand orders dated 02.03.2025 passed by the then JMIC, Rohtak (appended along with petition as Annexure P-4), be declared as illegal, alleging them to be in gross violation of his Fundamental rights guaranteed under Articles 21 and 22(1) of the Constitution of India, as also being against the mandate



of following judgments of Hon'ble Supreme Court:-

I. *Ashish Kakkar vs. UT of Chandigarh, Criminal Appeal No.1518/2025, SLP (Crl.) No.1662/2025.*

II. *Prabir Purkayastha vs. State (NCT of Delhi), (2024) 8 SCC 254.*

III. *Pankaj Bansal vs. Union of India, (2024) 7 SCC 576.*

2. Petitioner alleges

- That grounds of arrest were never intimated to him either orally or in writing, the said action on the part of the Investigating Agency of the State is in gross violation of the constitutional mandate under Article 22(1) of the Constitution of India and Section 47 of BNSS.
- That the remand order issued by the learned JMIC depicts non application of judicial mind and is in teeth with the judgment of the Hon'ble Supreme Court in *Pankaj Bansal* (supra).
- That the Investigating Officer has acted in total violation of the settled principles of law. The initial action/his (P) arrest being flawed, all subsequent proceedings stemming therefrom are non-est.

By way of CRM-50154-2025, petitioner has also prayed for grant of interim bail to him, till the disposal of the main petition.

Petitioner contends that he was falsely implicated in the aforesaid criminal case and was illegally arrested on 02.03.2025. He was never in any which way involved in the incident. His name cropped up in the disclosure statement of one of the co-accused Aashish @ Ashu, arrested on 27.02.2025, which shockingly enough has not been relied upon by the Investigating Agency, as the same does not form part of the challan. As per petitioner, he had gone to Mumbai for a business trip on 28.02.2025 to



attend a Consumer-Oriented Shopping Festival/Fair. The Investigating Agency took his remand for recovery of a laptop from Mumbai and for recovery of mobile phone from Kanpur, but he was never taken to either of the two cities. Factum of he (P) never having been supplied with the grounds of arrest was also reiterated in the miscellaneous application. The entire proceedings being vitiated and his arrest being contrary to the dictates of judgment of the Hon'ble Supreme Court in *Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273*, it has been prayed that the said miscellaneous application be allowed and he (P) be granted to the concession of interim bail till disposal of the main petition.

3. On notice, separate detailed replies opposing the main petition and the miscellaneous application have been filed by State of Haryana and complainant-victim, respectively. In the reply filed by the State, apart from reiterating the factual aspects leading to the lodging of the FIR, sequence of events leading to the disclosure of the name of petitioner as being one of the active member/co-conspirators in the entire crime was pointed out. As per the Investigating Agency of the State, petitioner used to handle the amount of financiers and used to settle the account with the help of the gangsters by threatening persons and used to extort money, thereafter the money recovered used to be sent through Hawala to gangsters residing abroad. It is further their stand that deceased Manjit, a financier, was demanding his money back from petitioner, who was in constant touch with well known gangsters namely Himanshu @ Bhau (settled abroad) and Neeraj Faridpuriya, to commit murder of Manjit. Incriminating material collected during the course of investigation establishing involvement of the petitioner has also been referred to in the report.



4. Complainant-victim Mukesh, at whose behest the criminal proceedings were initiated, in his separate reply reiterated the stand of the State and further pointed out that a document of dolphin system (furniture company) whose proprietor is the present petitioner and co-accused Ashish @ Ashu (on whose disclosure statement petitioner was arrested), was recovered, as per which, a cash finance of approximately Rs.2.5 crores had been obtained by the present petitioner. This document was recovered from the office of the petitioner. Further the plea raised by the petitioner that one ASI Sandeep Lathar in his dying declaration had tried to project that petitioner has no link/connection with any of the gangsters or present occurrence deserves not to be taken note of, for the deceased police official was never the Investigating Officer of the present case nor he remained stationed at the said police station.

Towards the end, it has been pointed out that petitioner is primarily seeking relief of interim bail on the ground that since the grounds of arrest were not supplied to him in writing, his arrest dated 02.03.2025 stands vitiated.

While referring to para 58 of the judgment of Hon'ble Supreme Court in *Mihir Rajesh Shah vs. State of Maharashtra, 2025 SCC Online SC 2356*, it was pointed that in the said case, Hon'ble Apex Court clarified that "the said procedure as affirmed above shall govern arrest henceforth." Relying upon the said judgment, Himachal Pradesh High Court in case titled '*Onkar vs. State of Himachal Pradesh and others*', *2025 NCHHC 41886* and *Priyanka vs. State of Himachal Pradesh 2025 NCHHC 41888*, also held that procedure so prescribed by the Hon'ble Supreme Court in *Mihir Rajesh Shah* (supra) would apply prospectively



from the date of pronouncement of the judgment.

The referred judgment of the Hon'ble Supreme Court in **Mihir Rajesh Shah** (supra) having been pronounced on 06.11.2025, as per complainant, petitioner who was arrested on 02.03.2025 is not entitled to take the benefit of the same. Dismissal of the petition and miscellaneous application has been prayed for.

5. Facts as can be inferred from the status report filed by way of affidavit of Mr. Dalip Singh, HPS, Deputy Superintendent of Police, Rohtak are noticed hereinbelow:-

Criminal proceedings in the present case were initiated on the basis of complaint moved by Mukesh Kumar, son of Ramphal, resident of Dighal District Jhajjar and elder brother of deceased Manjit Kumar, pointing therein that on 06.12.2024, he along with his brother Manjit were attending a marriage ceremony of their cousin brother Vinay. At about 10:30 PM, when they were having their meals in the Banquet Hall, 2 unknown boys entered and started firing shots at them. Unfortunately, Manjit suffered multiple gun shots injuries on his head, neck etc., he (C) since was sitting next to Manjit also suffered a firearm injury. The boys even while trying to flee away kept on firing. In retaliation and to save himself, shots were fired by him(C) as well from his licensed weapon but the assailants were successful in running away. Arrangements were made and both he (C) and Manjit were rushed to hospital where Manjit was unfortunately declared dead. Complainant requested to catch hold of all those, who were involved in the incident as also to initiate appropriate proceedings against them. Resultantly, FIR No.351 dated 07.12.2024 u/s 103(1), 109(2), 3(5) BNS and Section 25 of Arms Act, 1959 (Sections 111(2)(a)/317(2)/61 BNS and Section 27/29 of Arms Act added later on) came to be registered. Investigations were set into



motion. Photographs of the place of occurrence were collected on the basis of which 2 of the accused were identified as Sahil Dahiya and Jasbir. The car used in the commission of offence was taken into possession, statement of witnesses was also recorded. The CCTV footage of the car was taken from KMP toll plaza, postmortem examination of the dead body was also got conducted. Both Sahil Dahiya and Jasbir, who had suffered gun shot injuries, during an encounter with police authorities, were admitted in PGIMS Rohtak. On their disclosure statements, the names of the others involved in the incident came to be known. During the further course of investigation, one Ashish @ Ashu and Deepak were arrested on 27.12.2024, who disclosed that petitioner, at the instance of Himanshu @ Bhau (gangster living abroad) had provided money to the accused for purchasing weapons. On 02.03.2025, the present petitioner was arrested. The role played by him has been highlighted in para 30 of the status report.

6. The claim of the petitioner, as noted in para 2 of this order is that at the time of his arrest and/or producing him before the learned Magistrate, he was not supplied with the grounds of arrest in writing. The said action on the part of the Investigating Agency, according to him (P) has vitiated his arrest and subsequent detention.

Law on the issue is no longer ‘Res-Integra’. It has been held by the Hon’ble Supreme Court in its latest judgment in **Mihir Rajesh Shah** (supra) that

- the grounds of arrest must be informed to the arrested person in each and every case, without exception as also that the mode of communication of such ground must be in writing, in the language he understands.
- the grounds of arrest must be communicated to arrestee in



writing, either at the time of arrest or immediately after the arrest and in any case 2 hours prior to he being produced before the learned Magistrate for remand proceedings and

- If the said schedule for supplying the grounds of arrest in writing is not adhered to, the arrest would be rendered illegal, entitling the release of arrestee.
- On such release, an application seeking remand of custody would be moved along with a reason necessitating the same, after the grounds of arrest are supplied to the arrestee in writing.

Hon'ble Supreme Court further clarified that the aforesaid procedure shall govern the arrest henceforth. Meaning thereby that it has been made applicable prospectively i.e. with effect from 06.11.2025 (date of pronouncement of the judgment). Appropriate here would be to reproduce para 58 of the referred judgment, which reads as below:-

"58. We are cognizant that there existed no consistent or binding requirement mandating the 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."

7. Reverting back to the facts of the case in hand, though admittedly grounds of arrest were not communicated to petitioner in writing either at the time of arrest or immediately thereafter or even 2 hours prior to producing him before the Magistrate but since he was arrested on

02.03.2025 i.e. much prior to the pronouncement of judgment of Hon'ble



Supreme Court in *Mihir Rajesh Shah* (supra) on 06.11.2025, the petitioner is not entitled to the relief sought for. For the reasons mentioned hereinabove, the present petition as also the miscellaneous application stand dismissed.

(AARADHNA SAWHNEY)
JUDGE

10.03.2026
Hemant

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No