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

Date of decision: 9th January, 2026

Uploaded on: 14th January, 2026

+ **W.P.(CRL) 63/2026& CRL.M.(BAIL) 37/2026**

DINESH THROUGH PARIROKAR

.....Appellant

Through: Mr. Aditya Dewan & Ms. Ramneet Kaur, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao,
Standing Counsel (Crl.) with Mr.
Abhinav Kumar Arya and
Mr. Aryan Saehdeva, Advs.
SI Opendar Singh
HC Yogesh, No. 217/SW PS Cyber
South-West Delhi.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner-Dinesh through Pairokar under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS'), *inter alia*, seeking issuance of a writ in the nature of *habeas corpus* for production of his 19 years old son, namely, Dinesh.
3. The submission made by Mr. Aditya Diwan, Id. Counsel for the Petitioner is that the grounds of arrest had not been communicated to either



the Petitioner or his family members at the time of arrest.

4. Ld. Counsel for the Petitioner, in this regard, relies upon the decision in ***Vihaan Kumar vs. State of Haryana &Anr., (2025) 5 SSC 799*** wherein the Supreme Court as observed as under:

*“41. The issue on the requirement of communication of grounds of arrest to the person arrested, as mandated under Article 22(1) of the Constitution of India, which has also been incorporated in the Prevention of Money Laundering Act, 2002 under Section 19 thereof has been succinctly reiterated in this judgment. The constitutional mandate of informing the grounds of arrest to the person arrested in writing has been explained in Pankaj Bansal so as to be meaningful to serve the intended purpose which has been reiterated in Prabir Purkavastha. The said constitutional mandate has been incorporated in the statute under Section 50 CrPC (Section 47 of the BNSS). **It may also be noted that the aforesaid provision of requirement for communicating the grounds of arrest, to be purposeful, is also required to be communicated to the friends, relatives or such other persons of the accused as may be disclosed or nominated by the arrested person for the purpose of giving such information as provided under Section 50-A CrPC. As may be noted, this is in the addition of the requirement as provided under Section 50(1) CrPC.***

42. The purpose of inserting Section 50-A CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The



arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detainee, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives of such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal.

5. On the other hand, Mr.Lao has handed over the case record and the orders passed by the Ld. CJM to argue that all the requisite procedures have been followed. He has shown the grounds of arrest which bears the signatures of the detainee.

6. Heard. The facts of the present case are that the police received several complaints of cyber fraud owing to which the Petitioner*i.e.*, Dinesh was intercepted on 9th December, 2025. At about 05:30 P.M. to 06:00 P.M. in the evening on the same day, an FIR was registered bearing **FIR No.**



139/2025, P.S. Cyber Police Station, South Westunder Section 112(2) of the BNSS.

7. The arrest was thereafter effected and the arrest memo was also drawn. The Petitioner was taken to the Police Station R.K. Puram on the night of 9th December, 2025 and was produced before the Id. Chief Judicial Magistrate (hereinafter, 'CJM') on 10th December, 2025. In the meantime, the Petitioner had also made some statements regarding one of his accomplices namely, Rohan, whose house was also visited along with police and the Petitioner. However, the said Mr. Rohan was not traceable on the said date.

8. In front of the Id. CJM on 10th December, 2025, it is specifically recorded that there is no injury reflected to the Petitioner in the Medico-Legal Case (hereinafter, 'MLC') and no custodial torture has been alleged. Moreover, it is further recorded that the arrest memo had been seen by the Id. CJM and the grounds of arrest had been communicated as per record. The relevant order is set out below:

“ Heard, Record Perused. MLC of accused perused. No injury is reflected in the MLC. No custodial torture alleged by the accused. Arrest memo seen. Ground of arrest have been communicated to the accused as per record .

Considering the over all facts and circumstances of the case and since reason for remand are found sufficient, accused Dinesh is remanded to 07 days JC and be produced before the Court/Ld. Duty JMFC on 17.12.2025. IO to conduct age verification of accused as per JJ Act and file report with in a week.

Application for grant or JC remand Is accordingly disposed off.



Copy or the order be given dasti to all concerned.”

9. Thereafter, on the said date *i.e.*, 10th December, 2025, the remand order was passed remanding the Petitioner *i.e.*, Dinesh for seven days in judicial custody. On 17th December, 2025, the Petitioner *i.e.*, Dinesh was again produced before the concerned Judicial Magistrate of First Class (hereinafter, ‘JMFC’) and he was further remanded for fourteen days in judicial custody.

10. On 31st December, 2025, the Petitioner *i.e.*, Dinesh was again produced before the concerned duty JMFC who observes as under:

*“ This is an application seeking 14 days JC remand of the accused namely **Dinesh @Dinu S/o Sh. Dilip Singh** moved by IO.*

It is submitted that the custody of the accused is required to prevent the accused from committing any further offence and to ensure the presence of accused before the court. It is further submitted that the custody is required to ensure the presence of the accused before the court and to conduct proper investigation or the offence in the matter.

Ld. Remand Advocate has not objected the same application.

Offences alleged are serious in nature and investigation is still pending. In view of the above, above named accused be sent to JC for 14 days and be produced before the concerned court/Duty JMFC on 14.01.2026.

Case papers be sent to the concerned court/ Duty JMFC.”



11. The submission made by the Id. Counsel for the Petitioner appears to be contrary to the record. The Court has actually perused the grounds of arrest which bear the signature of the Petitioner *i.e.*, Dinesh. On 10th December, 2025 the Id. CJM has also recorded in the order remanding the Petitioner to judicial custody that the grounds of arrest have been communicated to the Petitioner *i.e.*, Dinesh as per the records.

12. In view of the above, the present petition for *habeas corpus* is not maintainable. The Petitioner is, however, free to avail of his remedies in accordance with law *i.e.*, if he wishes to seek bail or any other relief.

13. Needless to add, this Court has not considered the merits of the present case.

14. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN, J
JUDGE

JANUARY 9, 2026/prg/ck