



2026:DHC:1069



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

%

Judgment Reserved on: 06.02.2026

Judgment pronounced on: 10.02.2026

+ CRL.A. 1627/2025 and CRL.M.A. 3281/2026

HARSH PAL SINGH ALIAS RUBAL

.....Appellant

Through: Mr. Nishant Rana alongwith Ms. Rajani, Mr. Aman Goyal, Mr. Adarsh, Mr. Aditya, Mr. Roshan, Mr. Taran Deep Singh and Mr. Pulkit Jain, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Akhand Pratap Singh, SPP with Ms. Samridhi dhohal, Ms. Afreen Paliya and Mr. U. Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal under Section 12 of the Maharashtra Control of Organised Crime Act, 1999 (the MCOCA) has been filed on behalf of accused no. 7 (A7) in Crime No. 629/2024, Farsh Bazar, Police Station, aggrieved by the order dated 15.11.2025, as per which the trial court dismissed his application for bail. The



appellant/accused, as per the aforesaid FIR, is alleged to have committed the offences punishable under various Sections 103(1), 3(5), 249, 61(2), 303, 318, 336 and 341 of the Bharatiya Nyaya Sanhita, 2023; Sections 25 and 27 of the Arms Act, 1959 and Sections 3 and 4 of the MCOCA.

2. According to the appellant/A7, he was detained on the intervening night of 25.09.2025 and 26.09.2025 at Amritsar Airport pursuant to a Look-out Circular (LoC), when he was leaving for Bangkok for business purposes. He was taken to a police station in Amritsar, from where his custody was handed over to the Special Cell, Delhi, without being produced before the nearest Magistrate. He was then taken by road from Amritsar to Delhi. He was produced before the Court only on 27.09.2025, i.e., after more than 24 hours. The learned counsel submitted that once the appellant was detained at the airport, he was effectively in custody, and his period of detention shall be calculated from that point. It was further submitted that the appellant was earlier



2026:DHC:1069



granted interim bail for a period of 21 days, which he did not misuse. He regularly joined the investigation and cooperated throughout. Reliance has been placed on the dictums in **Subhash Sharma vs. Directorate of Enforcement 2022 SCC OnLineChh 2794; Amandeep Singh Johar vs. State of NCT of Delhi and Anr, 2018 SCC OnLine Del 13448 and Directorate of Enforcement vs. Subhash Sharma (SLP (Crl.) No. 1136/2023) dated 21.01.2025.**

3. *Per Contra*, it was contended by the learned Special Public Prosecutor (SPP) that a notice had been issued to the appellant on 22.09.2025 to join the investigation on 23.09.2025 in Delhi, but he did not appear. Thereafter, a request for the issuance of a LoC was made on 24.09.2025. In the intervening night of 25.09.2025-26.09.2025, information was received by the investigating team in Delhi from the police station, Amritsar Airport, that the appellant had been detained. A team from Special Cell, Delhi went to Amritsar on 26.09.2025, on which day by about 02:00 PM they



obtained his custody. This is reflected in the General Diary entry. It was submitted that on 26.09.2025 after a brief interrogation, the appellant was released on the same day after giving him a notice, directing him to join the investigation on the next day morning, that is, on 27.09.2025. Pursuant to the same, the appellant joined the investigation in the morning of 27.09.2025. He was interrogated at length and finding sufficient evidence of his involvement in the aforesaid crime, was arrested at 11:00 AM on the same day. He was then brought to Delhi by road and produced before the Special Court at 4:00 PM on the same date. It was also submitted that the notice, that is, Annexure-J (Colly), bears the signature of the appellant. Therefore, the question of violation of the statutory period of 24 hours does not arise, argued the prosecutor.

4. In rebuttal, the learned counsel for the appellant submitted that the General Diary entry, that is, Annexure-E (Colly) relied on by the prosecution does not mention that any notice was served



upon the appellant in their presence. It also does not disclose where the appellant was taken in the government vehicle on 26.09.2025; where the interrogation was conducted; or at which place he was allegedly released and asked to join the investigation the next day. It was submitted that since the appellant was taken in a government vehicle, there was no possibility of his release and being merely asked to join the investigation the following day. It was also pointed out that on 26.09.2025, there was an accident involving the appellant's wife and four daughters while they were travelling from Uttar Pradesh to Delhi, and for this, the appellant was granted interim bail for a period of 21 days, which was never misused by him. It was further submitted that Annexure-J (Colly) notice dated 26.09.2025 is not in accordance with the prescribed format as given in the Standing Order No. 109 of 2020 of the Delhi Police.

5. Heard both sides.

6. The short point to be considered in the appeal is whether



the appellant/A7 was produced within 24 hours before the magistrate/court as contemplated under Section 167(1) Cr.P.C/187(1) BNSS, 2023 or has there be any violation of the same and Article 22(2) of the Constitution of India?

7. Article 22(2) of the Constitution of India reads thus:-
Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such-person shall be detained in custody beyond the said period without the authority of a magistrate.

8. It is an admitted position that the appellant was detained at the Amritsar Airport on the intervening night of 25.09.2025-26.09.2025 pursuant to a LoC, by the officials of the Immigration, ICP SGRDJI, International Airport, Amritsar, Punjab, who handed him over to the SHO, SGRDJI, International Airport, Amritsar, Police Station. The General Diary details of 26.09.2025 of the said



police station, namely, Annexure E reads:-

“It is recorded that SI Manoj Singh Chuphal D-4208 along with SI Mohit 3876/D, HC Kapil Sharma 90/SPC, at government vehicle whose driver CT Rahul 818/SPC came to the police station from Special Cell NDR/Defence Colony New Delhi to arrest LOC person Harshpal Singh son of Jatinderpal Singh resident of village house number A-1019 Gore Green. Vista Indirapuram Ghaziabad Uttar Pradesh against whom case number 629 dated 07/12/2024 Crime 103(1)/3(5)/249/621(2)/303/318/366/341 BN S 25,27/54/59 Arms Act, 43,66,66B,72 IT ACT, Sec. 3,4 MCOC Act, P.S. Farsh Bazar Delhi was registered. Now the case was registered against the above. Investigation is underway at the Special Cell of the Police Station NDR/Defence Colony, New Delhi. The LOC person, who was supposed to go to Bangkok from Amritsar Airport on flight number SL-215, was stopped during immigration checking, on which LOC was issued. The LOC person, Harshpal Singh, along with Indian passport number W3773815 and immigration written documents, a mobile brand OPPO, a bag in good condition, was handed over to SI Manoj Singh Chuphal D-4208, mobile number 9654882200, along with his fellow employees, and left in a government vehicle.”

(Emphasis supplied)

9. The definite case of the prosecution as can be seen from



the reply filed to the application seeking regular bail application before the trial court is:-

“15.Applicant/accused was handed over to the team of the investigating agency by the PS Amritsar Airport at around 2pm on 26.09.2025.

16.From the Amritsar Airport accused Harshpal Singh Rubal was again interrogated in brief and was further served with the notice to join the investigation at PS Special Cell, New Delhi on 27/09/2025 at 9am after brief interrogation.

17.Accused harsh Pal Singh joined the investigation on 27.09.2025 pursuant to the notice served him on 26.09.2025. He was interrogated in length and after interrogation, finding sufficient evidence, he has been arrested in the present case after supplying him ground of arrest in writing. Arrest related documents were prepared. After interrogation, his disclosure statement has been recorded in which he disclosed that he is a member of this organized crime syndicate and admitted his involvement in the commission of crime on behalf of this syndicate. He further disclosed that he has sold his mobile phone in Punjab from which he was in contact with the members of this organized crime syndicate for the commission of crime. His disclosure statement has been recorded separately.”

(Emphasis supplied)

10. The respondent does not in so many words say that the



appellant after brief interrogation on 26.09.2025 was released. But a reading of paragraphs 16 and 17 of the reply as well as from the arguments advanced by the learned SPP, it is clear that the prosecution case is that on 26.09.2025 after a brief interrogation, the appellant was released and that he joined investigation the next day morning, that is, on 27.09.2025. The argument that the appellant was released on 26.09.2025 is not supported by the materials on record. Neither the General Diary entry nor the reply filed by the prosecution discloses any particulars regarding the place of interrogation, the manner of alleged release, or service of notice. From a reading of the General Diary entry, it appears that the appellant was handed over by the SHO, SGRDJI, International Airport, Amritsar police station to the investigation team from Delhi and that the team left with the appellant in a Government vehicle. The GD entry also says that all the belongings of the appellant including his passport, bag etc. were handed over to the team from Delhi. In such circumstances, the argument that the



2026:DHC:1069



Appellant was released on 26.09.2025 appears quite doubtful.

11. In **Subhash Sharma** (*supra*), which judgment has been confirmed by the Apex Court, dealing with a case arising out of airport detention pursuant to an LOC, it was held that arrest commences from the moment a person's liberty is restrained and that detention beyond twenty-four hours without production before the magistrate renders the custody illegal. Once a Court, while dealing with the bail application, finds that the fundamental rights of the accused under Articles 21 and 22 of the Constitution of India have been violated while arresting the accused or after arresting him, it is the duty of the Court dealing with the bail application to release the accused on bail. The Hon'ble Supreme Court in **Manoj v. State of MP, (1999) 3 SCC 715**, held that it is a constitutional mandate that no person shall be deprived of his liberty except in accordance with the procedure established in law. The Constitution directs that the person arrested and detained in custody shall be produced before the nearest Magistrate within 24



hours of such arrest. The only time permitted by Article 22 of the Constitution to be excluded from the said period of 24 hours is “the time necessary for going from the place of arrest to the court of the Magistrate”. Only under two contingencies can the said direction be obviated. One is when the person arrested is an “enemy alien”. Second is when the arrest is under any law for preventive detention. In all other cases the Constitution has prohibited peremptorily that “no such person shall be detained in custody beyond the said period without the authority of a Magistrate”.

12. The respondent has admitted the timeline, and the record shows that the appellant was not produced before the nearest magistrate within twenty-four hours from the time his liberty was first restrained. The continued detention of the appellant, therefore, stands vitiated, being in violation of Article 22(2) of the Constitution of India.

13. The prosecution has submitted that the offences alleged



are serious and grave in nature, and that the appellant was attempting to abscond by leaving the country. It was also pointed out that the appellant, a resident of NCR, Delhi, did not have to catch a flight to Bangkok from Amritsar when flights from Delhi are very much available. Therefore, this very act shows his intention of absconding. The learned SPP is certainly justified in this argument because admittedly the appellant was served with a notice on 22.09.2025 to join the investigation on 23.09.2025. But he failed to comply with the same. Instead, he is seen to have booked a ticket on 25.09.2025 to proceed to Bangkok on 26.09.2025. It was submitted by the learned counsel for the appellant that the latter had informed the investigating team about his inability to join the investigation over telephone. This is against the Standing Order No. 109 of 2020 of the Delhi Police relied on by him. As per the same, which was issued pursuant to the directions issued by a Division Bench of this Court in **Amardeep Singh Johar** (*supra*) affirmed in the **Satender Kumar Antil vs.**



CBI (2022) 10 SCC 51, an accused if unable to present himself at the given time for any valid and justifiable reasons, should in writing immediately intimate the investigating officer and seek an alternative within a reasonable period. The appellant has no case that a written request had been given. Instead of giving such a request, he is seen to have booked a ticket on 25.09.2025 for going to Bangkok on 26.09.2025, when a notice had already been issued to him on 22.09.2025. Merely because he has booked a return ticket is not a factor to show that he did have the intention to join the investigation or that he had no intention to abscond. However as there has been a violation of the mandatory provisions of law, the appellant will have to be released on bail. As the offences are quite grave and as there is a possibility of the appellant intimidating/influencing the prosecution witnesses and as there is also the possibility of him absconding, bail is granted on the following stringent conditions.

14. In the result, bail is granted on execution of a personal



2026:DHC:1069



bond of ₹2,00,000/- with two solvent sureties for the like amount each to the satisfaction of the trial court, subject to the following conditions:-

(i) The appellant shall appear before the Station House Officer concerned every three days until further orders.

(ii) The appellant shall not directly or indirectly make any inducement, threat or promise to any person(s) acquainted with the facts of the case so as to dissuade him/her/them from disclosing such fact to the Court;

(iii) The appellant shall not act in any manner which will be prejudicial to a fair and expeditious trial;

(iv) The appellant shall not leave the country without the prior permission of the trial court. He shall surrender his passport before the trial court.

(v) He shall furnish the details of his original Aadhar Card, Driving Licence, Voter ID Card, current mobile number as also the details of his movable and immovable properties before the trial



court;

(vi) He shall not involve himself in any offence(s) of similar nature.

15. The trial court is given the liberty to decide on any relaxation/modification of the aforesaid condition(s), if any required, in the future.

16. The appeal is allowed on the aforesaid conditions.

17. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

FEBRUARY 10, 2026