(225) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1543-2026 (O & M)
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Vinod alias Binnu and ors.

... Petitioners

Versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Preeti Singh, Advocate and
Ms. Vani Singh, Advocate,for the petitioners.

Ms. Geeta Rani, AAG, Haryana.

Mr. R.A. Sheoran, Advocate,
Mr. Parmod, Advocate, for the complainant.

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JASJIT SINGH BEDI, J.

The prayer in the present Criminal Writ Petition under Article 226/227 of the Constitution of India is for the issuance of a writ, order or a direction especially in the nature of Habeas Corpus directing the respondents No.1 to 3 to release the petitioners from custody and declare the arrest of the petitioners as illegal with a further prayer that a writ of Mandamus be also issued to protect the life and liberty of the petitioners.

2. The brief facts as emanating from the pleadings are that an FIR No.0021 dated 03.02.2026 under Sections 109(1), 190, 191(3), 3(5), 351(3), 61 of BNS, 2023 and Sections 25-54-59 of the Arms Act, Police Station Civil Lines, Bhiwani, came to be registered at the instance of Arvind son of Krishan Kumar and reads as under:-

To the SHO Sahab, Police Station Civil Lines, Bhiwani, Sir, Request that I am Arvind son of Krishna Kumar resident of Jain Chowk Bhiwani and I work in property business. I also deal in buying and selling of land. It is because of land that I have a rivalry with Vinod alias Binnu, son of Ramesh resident of Jituwala Johad Bhiwani. Vinod alias Binnu shot me in 2024 with the intent to kill me. Case number 189/ 2024 has been registered in connection with the case at the City Police Station Bhiwani. I survived in the incident and I have been holding a grudge against Vinod alias Binnu ever since. Today I went to the Bhiwani Court with my maternal uncle sons Shubham son of Ramesh Kumar resident of Mokhra District Rohtak, because my friend Shubham son of Sawariya resident of Halwas gate Bhiwani, who is imprisoned in the district jail for attempting murder was granted bail today in the Court of Mr D.S. Challia Sessions Judge Bhiwani. I was present in the Bhiwani Court today near the main gate between the Lawyers Chambers. There I met Vinod alias Binnu his associates Sandeep resident of Lohani, Ajay Punjabi resident of Gausian Chowk Bhiwani, Ayush resident of Bhiwani, Shripal resident of Dinod Gate Bhiwani and 8-10 other boys. The abovesaid Vinod alias Binnu threatened me and said that today we will not let you come out of the Court Bhiwani alive you had escaped earlier at the same time I called my brother Ravindra 9354507000 from my phone number 9813442512 and told him about the threat given by Vinod alias Binnu after this at about 11:15/ 11:30 AM I and my aunt's son Shubham reached my car on LIC road outside the premises then suddenly Israel son of Latif Khan, resident of Hindol, Ayush alias Boxer son of Ramesh, resident of street no. 19, Dabar Colony Bhiwani and Jitender son of Vijay resident of Brahma Colony Bhiwani came there whom I already knew Israel, Aayush and Jitendra was holding pistols in their hands Israel, Aayush and Jitendra tried to fire directly at me with the pistols in their hands with the intention of killing me, so I and my aunt's son Shubham got scared and ran back towards the court complex Bhiwani then these 3 alongwith their 4/5 other companions ran behind me with pistols and I heard the sound of gun shots being fired at me, when I was running towards the canteen near the lawyers' bar in the court complex at 11:30 AM Jitender and Aayush suddenly ran in front of Me and fired directly at me with the pistol in their respective hands with the intention of killing me. I got hit and fell

down. I got scared and started shouting, meanwhile hearing the gunshots many police personnels came running towards me seeing them Israel, Aayush and Jitendra along with their weapons ran away from the LIC road side of the Court complex towards HUDA Park. The police officials who were following them Israel was wearing a white colour sweater and black jeans and Aayush was wearing a white shirt and blue jeans. Jitender was wearing a black sweater and black colour jeans after this incident I was scared and someone I know lost his temper full today in the Court of Bhiwani Vinod alias Binnu due to conspiracy along with his associates fired bullet on his on his road with the intention of killing me. I am in a dilemma that he had attacked me with the intention of killing me. Strict to strict action be taken against Vinod, Aayush, Jitender and other 8/10 accused who had formed a conspiracy and attacked me with the intention of killing me. SD Arvind applicant.

3. Pursuant to the registration of the FIR, Vinod alias Binnu-petitioner No.1, Aman son of Vinod Kumar-petitioner No.3, Deepanshu alias Panu-petitioner No.2 and Kartik alias Sunny came to be arrested on 03.02.2026 i.e. on the date of the occurrence at different times. The arrested accused were produced before the Illaqa Magistrate on 04.02.2026 at about 03:30 p.m. alongwith an application for 05 days police remand. The scanning timing of the application for remand is 03:22 p.m. on 04.02.2026. During the course of the hearing of the remand application, the grounds of arrest were supplied to the accused. However, in view of the violation of the judgment of the Hon'ble Supreme Court in ***'Vihaan Kumar versus The State of Haryana and another 2025 AIR Supreme Court 1388 and Mihir Rajesh Shah versus State of Maharashtra and another 2025 AIR Supreme Court 5554',*** the Court declared the arrest of the accused as illegal and ordered their release

from custody. As per the prosecution case, the accused persons were released immediately at about 03:35 p.m. on 04.02.2026.

4. An application for permission to re-arrest of the above accused was filed between 03:50 p.m. to 04:00 p.m.. There was an averment in the said application that the grounds of arrest had been supplied two hours earlier. Based on the said application, the same Court that directed the release of the accused passed an order granting permission for their re-arrest.

5. Thereafter, as per the prosecution case, the accused were arrested in the parking area of the District Court Complex, Bhiwani at about 06:20 p.m. and their families were also informed regarding their re-arrest.

6. All the accused persons were produced before the Duty Magistrate at about 08.00 p.m. to 08.15 p.m. alongwith an application for 05 days police remand.

7. The present petition has been filed seeking declaration of their re-arrest as illegal and their consequential release from custody.

8. The learned counsel for the petitioners contends that the accused after being ordered to be released from custody were never, in fact, actually released, though, they have been shown to have been released. Therefore, there has been flagrant violation of the first order of the Magistrate ordering their release from custody. She contends that as per the record, the scanning of the first remand application took place at about 03:22 p.m. The grounds of arrest were given during the course of hearing of the first remand application which was dismissed and the arrest was declared illegal. The application seeking permission to re-arrest was moved between 03:50 p.m. to 04:00 p.m.

and it was stated in the said application that the grounds of arrest had been given two hours earlier which is absolutely incorrect as the grounds of arrest were supplied at about 03:20 p.m. during the hearing of the first remand application. Therefore, once again there has been the violation of the judgment of the Hon'ble Supreme Court in ***Mihir Rajesh Shah (supra).*** As per record, the re-arrest of the accused was at 06:20 p.m. The second application for remand was moved at around 08.00 p.m. Once again, there has been no supply of the grounds of the arrest two hours prior to the remand. She, thus, contends that re-arrest of the petitioners be declared illegal and they be released from custody.

9. The learned counsel for the State and the counsel for the complainant, on the other hand, contend that the grounds of arrest were admittedly supplied at about 03:20 p.m. or so or during the course of hearing of the first application for police remand when the arrest of the petitioners was declared illegal. Merely because the contents of the application seeking permission to re-arrest contains an incorrect averment to the extent that it states that the grounds of arrest were supplied two hours earlier, though, the application seeking permission to arrest itself was moved between 03:50 p.m. to 04:00 p.m. would have little relevance because as per the record, the grounds of arrest were supplied at about 03.20 p.m. during the hearing of the application for the first police remand and the re-arrest of the petitioners is admittedly at 06:20 p.m. as per record after which they were produced before the Court at about 08.00 p.m. Thus, if the grounds of arrest were supplied anytime between 03:20 p.m. and 03:30 p.m., the arrest was declared illegal at

about 03:35 p.m. and the re-arrest was at about 06:20 p.m., then there has been due compliance of the judgment in ***Mihir Rajesh Shah (supra).*** They, thus, contend that the present petition is liable to be dismissed, moreso, as the petitioners are serial offenders.

10. I have heard the learned counsel for the parties.

11. Before proceeding further, the relevant judgment on the subject at hand may be adverted to.

12. In '***Mihir Rajesh Shah versus State of Maharashtra and another 2025 AIR',*** the Hon'ble Supreme Court held as under:-

> *55. It goes without saying that if the above said schedule for supplying the grounds of arrest in writing is not adhered to, the arrest will be rendered illegal entitling the release of the arrestee. On such release, an application for remand or custody, if required, will be moved along with the reasons and necessity for the same, after the supply of the grounds of arrest in writing setting forth the explanation for non-supply thereof within the above stipulated schedule. On receipt of such an application, the magistrate shall decide the same expeditiously and preferably within a week of submission thereof by adhering to the principles of natural justice.*
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> *56. In conclusion, it is held that:*
>
> > *i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);*
> >
> > *ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;*
> >
> > *iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be*

communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.

In ***'Anwar Khan @ Chacha and others versus The State of NCT of Delhi 2025 NCDHC 5600',*** the Delhi High Court held as under:-

2. The central issue that falls for consideration is whether the re-arrest of the petitioners - after their earlier arrest in the same FIR was held to be non-est in the eyes of law by the learned ASJ on the ground of non-supply of grounds of arrest - can now be sustained in view of fresh material and compliance with procedural safeguards.

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8. Eventually, it came to light that the present petitioners - Hasim Baba @ Asim, Sameer @ Baba, Anwar Khan @ Chacha, and Zoya Khan - were the peripheral figures who sat at the helm of the organized crime syndicate itself. Following the revelations regarding their alleged role in the organised crime syndicate, the four petitioners were interrogated inside Tihar Jail with prior permission of the Court. Based on what the investigating agency claimed to be sufficient evidence of their involvement in organised criminal activities, all four were formally arrested in the present case on 12.05.2025. The next day, the police sought seven days of custody remand before the learned ASJ, Patiala House Courts.

9. However, notably, the learned ASJ declined the request on 13.05.2025, observing that the due process of law had not been followed during the petitioners' arrest in jail. It was observed that the investigating agency had failed to communicate the gist of the material forming the grounds for arrest to the accused, as

legally mandated. Consequently, the Court declared the arrest of all four petitioners as non-est, ordering their release in the present case, while also granting liberty to the State to undertake appropriate legal steps in accordance with law. The relevant portion of the order dated 13.05.2025 is set out below:

> "12. The Grounds of Arrest is a six line description which states after name and credential of accused, 'accused is hereby informed that on the basis of sufficient evidence against you under Section 3 & 4 of MCOCA in the present case under various offences, PS Farsh Bazar, investigated by Special Cell, New Delhi, you are hereby arrested in this case'. Thus, essentially, the only reason mentioned is 'on the basis of sufficient evidence against you. In the present matter, another accused has already been arrested and the case file/diary contains Grounds of Arrest of that accused namely Sukhbir Singh. This document (Grounds of Arrest of accused Sukhbir Singh) gives the details of Grounds of Arrest and mentioned live points indicating various aspects on the basis of which the ground of arrest have emerged.
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> 13. In the case titled as Prabir Purkayastha v. State (NCT of Delhi) in Crl. Appeal D.No. 42896/2023, Hon'ble Supreme Court of India, inter-alia, has held that it has been the consistent view of this court (Hon'ble Supreme Court of India) that grounds on which the liberty of citizen is curtailed must be supplied in writing so as to enable him to seek remedial measures against the deprivation of liberty. It is also held that non-compliance of this constitutional requirement and statutory mandate would lead to custody or detention being rendered illegal, as the case may be.
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> 14. Adverting to the facts of this case as noted above, that Grounds of Arrest mentioned only on the basis of sufficient evidences which a generic term and does not enable accused to present his case or put up his defence. Whenever a requirement is laid down by law especially the condition, purpose of which is to redeem the promise which Constitution of India makes regarding upholding Fundamental Rights of Citizens/Persons, said condition cannot be reduced to just an empty formality which is observed as moonshine rather than in substance. Permitting this would amount to licensing honoring of law in letter only without respect for spirit and purpose of law.

14.1 It was pointed out by the Ld. Addl. PP for the State that there are statements of public witnesses including statement under Section 183 of BNSS. Said statements are in fact part of the record, however, same in itself is not sufficient. As per the established position of law noted above, gist of the material on the basis of which the investigating agency believed that Grounds of Arrest existed is to be conveyed but same is amiss in the present matter. Therefore, as sequel to above discussion, it is held that arrest of above four accused is not proper and not in terms of law. Hence, it is held to be non-est. Accused are directed to be released from custody in this case. It is clarified that since the arrest is held to be non-est on technical ground, State has liberty to complete the process as per law.

15. Application disposed of accordingly."

The Controversy of Re-Arrest

10. The investigating agency returned to Court on 15.05.2025, seeking further interrogation and re-arrest of the petitioners, after complying with all procedural safeguards. It was submitted that the earlier order dated 13.05.2025 had not restrained them from proceeding afresh and that the nature of offences, i.e. punishable even with death, clearly necessitated their arrest. The matter was heard in detail, and by order dated 09.006:2025, the learned ASJ permitted the interrogation of the petitioners within jail premises in accordance with the applicable rules. As to the question of re-arrest, the Court carefully clarified that it was not within its legal mandate to grant advance permission for arrest. The Court observed that it is for the investigating agency to decide whether arrest is warranted, and the Court's role to assess the legality of such arrest would arise only once it is effected. The Court observed that any pre-emptive judicial sanction would amount to placing the cart before the horse and would be impermissible under law. The relevant portion of order dated 09.006:2025 reads as under:

"6. Having heard contentions of both the parties and perused the record, it emerges that issue in hand before the court is to consider the prayer of State for further interrogation of above named accused persons and prayer to permit re-arrest of all these four persons. As far as, interrogation/questioning of accused persons are concerned, there was no quarrel on behalf of 4. Defence counsel representing the accused persons that investigating agency has right to continue their investigation rather it was argued that investigating agency may continue their investigation and for that, arrest of accused is not required. Otherwise also, to question a person who is suspect or an accused, the investigation may summon that person as many times as is required from the material on record and for proper investigating agency in the case. Even if on any occasion, if the proper procedure is not followed, it does not create a bar that, henceforth, accused cannot be called for questioning/ interrogation. Therefore, as far as the request regarding further interrogation of all the accused persons are concerned, in view of the submissions on behalf of above accused and in the backdrop of position of law on this issue, the investigating agency is well within their right to continue or to do further interrogation of the above four persons. Accused are stated to be in custody in other case. Therefore, it is directed that applicant/investigating agency shall be facilitated by Jail authorities in terms of applicable jail rules for interrogation of accused by applicant/ investigating agency.

7. As far as, permission to re-arrest is concerned, it is beyond the scope of mandate of law for court that during investigation, any observation be given by court before arrest of accused that if or not arrest of accused is required. It is for the investigating agency to decide in terms of applicable law that if or not any accused is to be arrested. The role of court to evaluate the said arrest will begin once the arrest is effected. Needless to say that arrest is to be evaluated from two dimensions. Firstly, on the basis of material on record which shows that their exists sufficient and reasonable material showing involvement of accused. Secondly, it is the duty of court to ensure that. procedural safeguards laid down by statues as well as brought in by judicial interpretation in various pronouncement of Hon'ble High Courts and Hon'ble Supreme Court of India are observed in the letter and spirit. To make an observation in respect of arrest or re-arrest in advance would amount to putting the cart before the horse and will

> amount to tacit approval of court that material on record is sufficient to justify the arrest of accused on the basis of his involvement in the case. Such an observation on part of court, at this stage, is not warranted and permissibile under law. Therefore, at this stage, this part of application/prayer is not required to be adjudicated upon pre-mature. Application stands disposed of accordingly. Copy dasti. Copy of this order be sent to Jail concerned for informing applicant/ accused accordingly."

11. All four petitioners were rearrested in the present case on 10.006:2025. This time, more detailed and written grounds of arrest were furnished to the petitioners. Following their arrest, they were brought to the Patiala House Court and produced before the learned Vacation Judge. An application for seeking 10 days of police custody remand was also filed by the State, which was opposed by the learned defence counsels. Taking cognizance of the circumstances, the learned Vacation Judge, by order dated 11.006:2025, directed the investigating agency to place on record a synopsis of fresh evidence gathered post the earlier judicial order dated 13.05.2025, and to demonstrate the legal permissibility of the petitioners' rearrest. The petitioners were initially remanded to judicial custody till 16.006:2025, and on that date, their custody was further extended, with the matter posted before the learned ASJ for 01.07.2025.

12. Subsequently, after hearing arguments on the legality of the rearrest, the learned ASJ passed the impugned order dated 04.07.2025, holding that the re-arrest of the petitioners in FIR No. 629/2024 was lawful and within the four corners of the applicable legal framework. The relevant observations of the learned ASJ in the impugned order dated 04.07.2025, which have been assailed by the petitioners, are set out below:

> "14.1 I have gone through the order dated 09.006:2025. The relevant paragraph in the said order is para no.7. It was emphasized on behalf of accused that the court has observed that it is beyond the scope of the court to permit arrest of accused. However, reading of para no.7 shows

that said observation is only in respect of the mandate of law in respect of qua the stage of the case. In other words, the observation has been given in respect of mandate of law on the powers of court for direction for arrest during investigation. It is trite law that court cannot dictate and should not dictate as to which accused should be arrested or when. It is an established position of law that such authority is vested in the investigating agency to decide whether or not accused is to be arrested. It has been clearly held in para no.7 that said issue regarding permission to re-arrest need not to be adjudicated as it was premature. Once it is held that an issue is premature, it means that court has not made any observation on the substance of the issue cither in terms of approval of the issue or disapproval of the issue. Hence, the arguments for permission to re-arrest having been rejected as it does not hold water.

15. It was also argued that prosecution has not complied with the direction issued by the order dated 11.006:2025 but by filing the progress of the investigation, the compliance has been made. It was argued on behalf of prosecution that accused being sent in judicial custody in two occasions and the said remand in judicial custody having been not opposed amounts to approval of the accused by the court cannot be accepted as the arguments raised on behalf of accused by Ld. Defence Counsel that the issue of legality of arrest being still pending, the direction for keeping the accused in custody till disposal of the issue does not amount to remand of JC after application of mind on the facts of the case has force.

16. The major thrust of the argument of Ld. Defence Counsel is that there is no legal basis for re-arrest of the accused and if such rearrest is allowed, it will amount to rendering the orders of the Constitutional Courts being infractuous as the prosecution/ investigating agency will attempt to wipe out the illegalities by making good of the lapses committed by them.

17. Whenever a person is arrested as an accused in a case and is produced before the court, before remanding the accused in custody of any kind i.e. police custody or judicial custody, court must ask prosecution to cross the twin test in respect of legality of arrest.

17.1 The first test would be regarding the compliance of procedural safeguards incorporated in statutes and brought

in by various pronouncements of Hon'ble Constitutional Courts. Once, the investigating agency is able to show that all the safeguards have been observed in compliance, then the investigating agency need to show that material on record is sufficient to indicate prima facie involvement of accused warranting his arrest and need for investigation. In case the prosecution/investigating agency fails to cross the first test, the second stage is not reached and thus, material produced will not be evaluated as such.

17.2 In the present matter also, there has been similar circumstances for observance of mandate of supplying the grounds of arrest in defiance through a formal compliance rather than meaningful supply of grounds of arrest. Thus, vide order dated 13.05.2025, the arrest was declared illegal as in the judgments referred above, Hon'ble Supreme Court of India has held that the requirement of supplying meaningful grounds of arrest is part of fundamental rights.

18. It was also argued on behalf of accused that there is noncompliance of Article 22 and Section 50 of erstwhile Cr.PC. Article 22 of Constitution of India requires supply of grounds of arrest to the arrestee and Section 50 of Cr.PC goes a step further whereby it is required that the ground of arrest are to be supplied 'forthwith'.

19. Chapter 5 of the erstwhile Cr.PC incorporates the provision in respect of arrest of person. Section 46 of erstwhile Cr.PC stipulates as to how the arrest is to be made. Necessary corollary is that this provision incorporates procedural safeguards in respect of the manner in which arrest is to be made. Article 21 of Constitution of India requires that life and liberty of a person shall not be curtailed without procedure established by law. Therefore, if the procedure established by law in the above noted provisions are not followed, it will amount to violtion of fundamental rights and consequently, arrest shall stands vitiated.

20. In this regard, it will be apposite to refer to judgment of Hon'ble High Court of Mumbai in the case titled as Kavita Manikikar v. CBI Writ Petition No. 1142/2018. In the said matter, a female was arrested in violation of provision of Section 46(4) of erstwhile Cr.PC. Hon'ble High Court of Mumbai had declared the said arrest to be illegal and in utter violation of provisions contained in Section 46(4) of erstwhile Cr.PC. It was further held that

arrest of petitioner is illegal and contrary to provision of Section 46(4) of erstwhile Cr.PC, however, CBI is not precluded to arrest the petitioner if investigation warrants so, by following the due process of law. This court in its order dated 13.05.2025 has also held that though the arrest of accused is illegal on the basis of ground of arrest having been not supplied, State had the liberty to complete the process as per law.

21. It was argued on behalf of accused that 'what is the law in this regard on the basis of which the re-arrest can be made. The tenor of argument indicated that there is no provision in the statute regarding re-arrest of accused. However, in the Chapter on Arrest of Person, Section 43(2) Cr.PC incorporates the provision 'if a person is arrested in terms of Section 43(1) and if there are reason to believe that such person comes under the provisions of Section 41, a police officer shall re-arrest him'. Similarly, Section 437(5) Cr.PC, which is part of the Chapter on Bail, incorporates a provision stipulating that 'any court which has released a person on bail under sub-section (1), or subsection(2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody'. Further, Section 439(2) Cr.PC provides that 'a High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody'.

21.1 One may argue that this provision relates to cancellation of bail before re-arrest of accused. In this regard, suffice it to observe that concept of re-arrest is not completely new to Cr.PC or to the judicial pronouncement as is argued by Ld. Defence Counsel. In the case titled as Mohd. Alim @ Abdul Alim v. State of UP, Crl. Appeal No. 2376/2023, it is, inter-alia, held by the Hon'ble High Court of Allahabad that:

"68. When the appellants applied for bail, they had no notice of extension of time granted by the Special Court. Moreover, the application was made before the filing of the charge-sheet, hence, the appellants are entitled to default bail. At this stage, we may note here that in the case of Sanjay Dutt (Supra) as well as in the case of Bikramjeet Singh (Supra), the Supreme Court held that grant of default bail does not prevent re-arrest of the appellant on the cogent ground after filing the charge-sheet. Thereafter, the accused can always apply for regular bail. However, as

held by Supreme Court in the case of Mohamed Iqbal Madar Sheikh and others v. State of Maharashtra reported in (1996) 1 SCC 722, re-arrest cannot be made only on the ground of filing a charge-sheet. It all depends on the facts of each case."

22. Further, in the case titled as Prahald Singh Bhati v. NCT of Delhi, Appeal (crl.) 324 of 2001, it has been held as under:

"In the instant case while exercising the jurisdiction, apparently under Section 437 of the Code, the Metropolitan Magistrate appears to have completely ignored the basic principles governing the grant of bail. The Magistrate referred to certain facts and the provisions of law which were not, in any way, relevant for the purposes of deciding the application for bail in a case where accused was charged with an offence punishable with death or imprisonment for life. The mere initial grant of anticipatory bail for lesser offence, did not entitle the respondent to insist for regular bail even if he was subsequently found to be involved in the case of murder. Neither Section 437(5) nor Section 439(1) of the Code was attracted. There was no question of cancellation of bail carlier granted to the accused for an offence punishable under Sections 498A, 306 and 406 IPC. The Magistrate committed a irregularity by holding that "I do not agree with the submission made by the Ld.Prosecutor in as much as if we go by his submissions then the accused would be liable for arrest every time the charge is altered or enhanced at any stage, which is certainly not the spirit of law". With the change of the nature of the offence, the accused becomes dis-entitled to the liberty granted to him in relation to a minor offence, if the offence is altered for an aggravated crime. Instead of referring to the grounds which entitled the respondent-accused the grant of bail, the Magistrate adopted a wrong approach to confer him the benefit of liberty on allegedly finding that no grounds were made out for cancellation of bail."

23. It was also argued on behalf of accused that if after declaring the arrest of the accused persons as illegal, there subsequent arrest is approved, it will amount to rendering the law laid down by the Hon'ble Constitutional Courts as infractuous. This argument cannot be accepted for the reason that the purpose of procedural safeguards incorporated in statutes are required to be strictly observed

in terms of law laid down by Hon'ble Constitutional Courts, it can never mean to permit or allow accused to have an advantage of lapse or inefficiency on the part of an officer of prosecuting agency.

23.1 In the case titled as Vicky Bharat Kalyani v. The State of Maharashtra & Anr. Writ Petition No.5254 of 2024, it was argued that it has been referred to the Larger Bench and therefore, cannot be relied upon. Para no. 66 of said judgment deals with terms of reference to Larger Bench, however, perusal of these questions/points raised in such reference to Larger Bench are in respect of application of Section 50 of erstwhile Cr.PC, whereas, the question and the observation in the earlier paragraph are in respect of the post non-compliance of Section 50 Cr.PC in terms of not providing grounds of arrest to accused.

23.2 It was also argued that the reliance by the prosecution is such which amounts to noting the contentions of government Reader and they do not assume the status of law. However, a clear observation has been made in para no. 58 of the above judgment that any embargo or bar upon re-arrest could be pointed out and the court agreed with the contention that there is no bar for rearrest the person who are released for non-furnishing the grounds of arrest in writing. It is further held that if accused are released on the grounds of not supplying the grounds of arrest leading to violation of provisions of Cr.PC would amount to infringing their constitutional right under Article 21 of Constitution of India, thereafter, if grounds of arrest are supplied to them, they cannot have any grievance. It is further apposite and germane to have reference to para no.57 of the said judgment and same is reproduced hereinunder:

"57. The accused has certain rights, as discussed earlier. Similarly the victims also have their own rights. In cases involving heinous crimes like rape, murder, those under POCSO, MCOCA, NDPS, the victims and even the society are the sufferer. The victims do not have any control over the investigation and the investigating officers' efficiency or inefficiency. Therefore, if an accused is released on the ground of non-furnishing of the grounds of arrest in writing if required under Section 50 of Cr.P.C. that would cause serious prejudice to the victims. Such lapse can be attributed to various factors viz. inefficiency, lack of awareness etc. In that case, the consequences would be

causing serious prejudice to the victims. In a given case, the investigating agency may have material in their possession that propensity of the accused indicated that he is likely to commit a similar offence, and that would be a serious threat to the security and safety of the potential victims in the offences like rape, under POCSO etc. If an accused is released on that ground then there could be serious threat to the witnesses also. Therefore, there is need to strike a balance between the rights of the victims and the rights of the accused. There is also a possibility of destruction of evidence, threatening of witnesses etc.. Merely imposing conditions in these cases may not suffice. On the other hand, when the bail applications are considered, then looking at the background of the case, the Court would exercise jurisdiction in bail matters taking into account all the factors including merits of the matter; which in the cases of violation of alleged rights of the accused under Section 50 of Cr.P.C. would not be possible for the Court to exercise."

24. The purpose behind the procedural safeguards and direction of Hon'ble Constitutional Courts to ensure that Grounds of Arrest to be provided to accused in writing is to ensure that accused is being clearly informed as to why he/she has been arrested and also to ensure that accused are in position to defend themselves since very beginning. The purpose of such safeguard can never been to let an accused go scot free for procedural lapses. It is trite law that procedure is handmaid of justice and the contention of the prosecution and Ld. Defence Counsel are required to be evaluated in this background."

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26. It is, therefore, incorrect to argue that the re-arrest could only be justified on the basis of discovery of new material after 13.05.2025. Accordingly, the argument of the learned counsel for the petitioners that the re-arrest was impermissible in the absence of new material is unmerited.

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28. A key issue in the present matter also relates to compliance with the requirement of furnishing grounds of arrest, both at the time of the first arrest and upon the subsequent re-arrest of the petitioners.

29. It is undisputed that during the initial arrest, the petitioners were not provided with detailed written grounds of arrest. This formed the basis for the order dated 13.05.2025, whereby the learned ASJ declared the arrest as non-est, holding that such non-compliance violated the petitioners' fundamental rights and the settled law laid down in decisions such as Prabir Purkayastha v. State (NCT of Delhi): 2024 INSC 414. That order attained finality, as it was not challenged by the State.

30. However, at the time of the re-arrest on 10.006:2025, this Court finds that detailed grounds of arrest were furnished to each of the petitioners, which have been placed on record before this Court by the State along with the Status Report. These grounds specifically outline the alleged roles of the petitioners in the organised crime syndicate and the specific allegations against them for commission of alleged offences. The extract of grounds of arrest, supplied to one of the petitioner, i.e. petitioner no. 1, is set out below for reference:

> Case FIR No. 629/2024 Dated 07.12.2024 under section 103(1)/3(5)/303/318/336/341 BNS & 25/27 Arms Act, 43/66/66(B)/72 IT Act, 3 & 4 MCOC Act PS Farsh Bazar (Investigated by Special Cell) Delhi.
>
> Grounds of Arrest of accused Anwar Khan @ Chacha s/o Jumma Khan Age 52 years r/o H.No. C-35, Welcome, Shahdara, Delhi.

HINDI MATTER

31. Therefore, at the time of re-arrest, the mandatory requirements of law, as interpreted by the Hon'ble Supreme Court, were prima facie complied with. Thus, this Court is of the considered view that the defect which had vitiated the initial arrest was not repeated during the re-arrest, and the requirement of informing the accused of the grounds of arrest in writing was duly fulfilled. Whether Re-Arrest is Permissible After

Declaration of Initial Arrest as Non-Est due to Procedural Irregularity'

32. The essential question that now falls for determination is whether an accused person, whose arrest has previously been declared non-est or illegal on procedural grounds, can be lawfully re-arrested after compliance with the requisite legal formalities.

XXXX XXXX XXXX

34. This Court finds merit in the State's argument. Clearly, the Code of Criminal Procedure, 1973 as well as the Bharatiya Nagarik Suraksha Sanhita, 2023, does not contain any provision that either expressly prohibits or bars re-arrest of an individual in such circumstances. Moreover, to accept the proposition advanced by the petitioners would be to grant complete immunity to an accused from any future arrest, even in cases involving serious offences, merely because the initial arrest was vitiated by a procedural lapse, however, sufficient incriminating material is found against him, qua the same offence, later.

35. This Court is of the considered view that a lapse or omission on the part of the investigating agency, whether inadvertent or deliberate, cannot and should not result in a blanket immunity to the accused against any future arrest in the same case. To hold otherwise would amount to laying down a precedent which, in the long run, may prove perilous to the administration of criminal justice. It would essentially mean that a serious offender may escape the process of law solely on account of a procedural lapse committed by the investigating agency, even if sufficient material exists justifying his arrest.

36. This issue also raises a more complex question: what happens when the arrest of an accused in a serious offence is declared illegal or non-est purely on technical grounds' Can the State, after rectifying the procedural irregularity, not arrest the

said accused again, even if cogent grounds exist' The learned counsel for the petitioners contended that once the arrest is held to be non-est, the petitioners cannot be re-arrested. This Court is unable to accept such a proposition of law. Let us test this argument in a hypothetical but plausible situation: suppose a police officer, either due to oversight or deliberately, does not communicate the grounds of arrest in writing, and therefore the arrest is declared illegal by the Court, however, at the same time clarifying that such declaration was solely on technical ground and the investigating agency was at liberty to rectify such lapse, it would necessarily lead to a conclusion that there was no immunity or bar in future to arrest the accused qua the same offence. Assume further that the case in question involves grave allegations - say, charges of organized crime, murders, etc. Should the procedural lapse committed by one officer, however serious, be allowed to permanently shield the accused from arrest, even after the defect has been remedied? The answer, in this Court's view, must be in the negative.

37. This question assumes even greater significance in the context of the present case, where the petitioners are not first-time offenders but individuals with a long list of criminal antecedents. As per the material placed on record, some of the petitioners are involved in as many as 10, 15, or even 26 criminal cases, including offences such as robbery, extortion, attempt to murder, and even murder. The provisions of MCOCA have been invoked in this case, and the prosecution's allegations, at least prima facie point towards the existence of a structured organised criminal syndicate. In such a context, the argument that an illegal or non-est arrest should completely shield the accused persons from future arrest, after complying with all procedural safeguards, cannot be accepted by this Court.

38. The view that re-arrest is not impermissible in such circumstances has also received judicial recognition. In Kavita Manikikar of Mumbai v. CBI: 2018 SCC Online Bom 1095, the Bombay High Court held that while the initial arrest of the petitioner therein was declared illegal due to violation of Section 46(4) of Cr.P.C. (arrest of a woman after sunset), it was clarified that the police was not barred from affecting a subsequent arrest after rectifying the procedural irregularity. The relevant observations in this regard are as under:

> "34. In result, of the aforesaid discussion, the writ petition is allowed in terms of prayer clause (a) and it is held that the arrest of the petitioner is illegal and contrary to the provisions of Section 46(4) of the Code of Criminal Procedure. However, the CBI is not precluded to arrest the petitioner if investigation warrants so, by following the due procedure of law."

39. Similarly, in Vicky Bharat Kalyani v. State of Maharashtra (supra), the Division Bench of the Bombay High Court clearly observed in paragraph 58 of the judgment that there was no legal bar on re-arresting an accused who had been released earlier due to failure to furnish written grounds of arrest. Though the Division Bench referred six questions, including the issue of re-arrest, to a Larger Bench, it nevertheless recorded a clear and reasoned view in favour of permissibility of re-arrest in paragraph 58, and no contrary opinion was expressed anywhere in the said judgment. The relevant observations in this regard are as under:

> "58. In this context, we have seriously considered the arguments advanced by learned Advocate General about re-arrest of the accused who is released with or without bail bonds on the ground of alleged non-compliance of the provisions of Section 50 of Cr.P.C. for not giving the grounds of arrest in writing. In this context, Shri. Bhuta could not point out any embargo or bar upon such re-arrest. Shri. Amit Desai, however, submitted that once the accused is released on that ground, re-arrest would violate the protection of the accused under Article 21 of the

Constitution of India. The State should not be given a second chance. In this connection,we are inclined to agree with the learned Advocate General that there is no bar in re-arresting the persons who are released for non-furnishing the grounds of arrest in writing. What the accused are claiming in this situation, is that, they were arrested in violation to the provisions of Cr.P.C. and it infringes their constitutional right under Article 21 but if they are released on that ground and thereafter if the grounds of arrest are supplied to them, they cannot have any grievance. The purpose behind these provisions is to make the accused aware as to why he was arrested and thereafter enable him to defend himself. Leaving aside the issue whether such ground should be communicated orally or should be given in writing for the time being; if on the ground of non-communication they are released and if thereafter the grounds are furnished as per the requirement; then the accused cannot have any grievance, that they were not aware as to why they were arrested. From that point onward, the procedure for remand can be followed and the shortcoming of non-compliance of the provision is wiped out. In that context, reference can be made to the case of Kavita Manikikar. In that case, the Petitioner before the Court was a lady. She was released because she was arrested after sun-set for breach of Section 46(4) of Cr.P.C. Having held her arrest illegal, the Division Bench of this Court went on to observe that considering the seriousness of the allegations, she could be re-arrested after following due procedure of law. The same course can be adopted in the cases where the investigating agency wants to re-arrest the accused if they are released for non-compliance of Section 50 of Cr.P.C."

(Emphasis added)

40. On the other hand, reliance on decision in Vihaan Kumar v. State of Haryana & Anr. (supra) can be of no help to the petitioners, inasmuch as the said judgment does not decide the question of whether re-arrest is legally permissible after an initial arrest is declared illegal. The Hon'ble Supreme Court in that case expressly noted that it was not necessary to adjudicate on that issue in the given set of facts of that case. Thus, no proposition of law was laid down in the said decision on the

permissibility of re-arrest. The relevant observations in this regard are as under:

> "22. Another argument canvassed on behalf of the respondents is that even if the appellant is released on the grounds of violating Article 22, the first respondent can arrest him again. At this stage, it is not necessary to decide the issue."

41. However, this Court's attention was drawn to the judgment of Rakesh Kumar Paul v. State of Assam (supra) by the State wherein while releasing the petitioner on default bail, on the ground that chargesheet had not been filed within a period of 60 days, the Hon'ble Supreme Court had clarified that the release of petitioner shall not prohibit or otherwise prevent the arrest or rearrest of the petitioner on cogent grounds in respect of the subject charge. The relevant observations in this regard are as under:

> "49. The petitioner is held entitled to the grant of "default bail" on the facts and in the circumstances of this case. The Trial Judge should release the petitioner on "default bail" on such terms and conditions as may be reasonable. However, we make it clear that this does not prohibit or otherwise prevent the arrest or re-arrest of the petitioner on cogent grounds in respect of the subject charge and upon arrest or re-arrest, the petitioner is entitled to petition for grant of regular bail which application should be considered on its own merit. We also make it clear that this will not impact on the arrest of the petitioner in any other case."

42. Thus, in the considered view of this Court, there is merit in the argument advanced on behalf of the State that when an accused is released or his arrest is declared illegal solely on technical or procedural grounds - such as in the cases of Rakesh Kumar Paul v. State of Assam (supra), Kavita Manikikar v. CBI (supra), or Vicky Bharat Kalyani v. State of Maharashtra (supra) - the State cannot be precluded from taking steps to re-arrest such a person, provided the subsequent arrest is affected strictly in accordance with the procedure established

by law. The mere fact that the earlier arrest was vitiated on account of procedural lapses does not, by itself, create any blanket immunity from future arrest, especially where the investigating agency continues to be in possession of material implicating the accused and there has been no adjudication on the merits of such material by the court declaring the arrest illegal.

Conclusion

43. In view of the foregoing discussion, this Court finds that the initial arrest of the petitioners was declared non-est solely due to non-furnishing of written grounds of arrest and not due to insufficiency of material against them. Further, detailed and sufficient grounds of arrest were furnished to the petitioners at the time of re-arrest on 10.006:2025. This Court also concludes that there is no statutory or judicial bar on re-arrest of an accused after curing the procedural defects of a prior illegal arrest; and that the judicial precedents, including those of the Hon'ble Supreme Court and Bombay High Court (as discussed above) support the proposition that a subsequent arrest is permissible in law, provided procedural safeguards are followed.

In ***'Manish Kumar versus State of H.P. 2025 NCHHC 41249',*** the Himachal Pradesh High Court held as under:-

7. The aforesaid release of the bail petitioner in the case at hand does not preclude the respondent from re-arresting the accused after the rectifying procedural defects of prior illegal arrest. There is no statutory or judicial bar on re-arrest. In this respect, it would be appropriate to refer to the pronouncement of the Delhi High Court in judgment delivered on 15.7.2025 titled as Anwar Khan @ Chacha and others v. The State of NCT of Delhi. Relevant extract whereof is being reproduced hereinbelow for a reference:-

36.This issue also raises a more complex question: what happens when the arrest of an accused in a serious offence is declared illegal Digitally Signed or non-est purely on technical grounds? Can the State, after rectifying the procedural irregularity, not arrest the said accused again, even if cogent grounds exist? The learned counsel for the petitioners contended that once the arrest is held to be non-est, the petitioners cannot be re-arrested. This Court is unable to accept such a proposition of law. Let us test this argument in a hypothetical but plausible situation: suppose a police officer, either due to oversight or deliberately, does not communicate the grounds of arrest in writing, and therefore the arrest is declared illegal by the Court, however, at the same time clarifying that such declaration was solely on technical ground and the investigating agency was at liberty to rectify such lapse, it would necessarily lead to a conclusion that there was no immunity or bar in future to arrest the accused qua the same offence. Assume further that the case in question involves grave allegations - say, charges of organized crime, murders, etc. Should the procedural lapse committed by one officer, however serious, be allowed to permanently shield the accused from arrest, even after the defect has been remedied? The answer, in this Court's view, must be in the negative.

37. This question assumes even greater significance in the context of the present case, where the petitioners are not first-time offenders but individuals with a long list of criminal antecedents. As per the material placed on record, some of the petitioners are involved in as many as 10, 15, or even 26 criminal cases, including offences such as robbery, extortion, attempt to murder, and even murder. The Digitally Signed provisions of MCOCA have been invoked in this case, and the prosecution's allegations, at least prima facie point towards the existence of a structured organised criminal syndicate. In such a context, the argument that an illegal or non-est arrest should completely shield the accused persons from future arrest, after complying with all procedural safeguards, cannot be accepted by this Court.

38. The view that re-arrest is not impermissible in such circumstances has also received judicial recognition. In Kavita Manikikar of Mumbai v. CBI: 2018 SCC Online Bom 1095, the Bombay High Court held that while the initial arrest of the petitioner therein was declared illegal due to violation of Section 46(4) of Cr.P.C. (arrest of a

woman after sunset), it was clarified that the police was not barred from affecting a subsequent arrest after rectifying the procedural irregularity. The relevant observations in this regard are as under:

> *"34. In result, of the aforesaid discussion, the writ petition is allowed in terms of prayer clause (a) and it is held that the arrest of the petitioner is illegal and contrary to the provisions of Section 46(4) of the Code of Criminal Proce-dure. However, the CBI is not precluded to arrest the petitioner if investigation warrants so, by following the due procedure of law."*

39. Similarly, in Vicky Bharat Kalyani v. State of Maharashtra (supra), the Division Bench of the Bombay High Court clearly observed in paragraph 58 of the judgment that there was no legal bar on re-arresting an accused who had been released earlier due to Digitally Signed failure to furnish written grounds of arrest. Though the Division Bench referred six questions, including the issue of re-arrest, to a Larger Bench, it nevertheless recorded a clear and reasoned view in favour of permissibility of re-arrest in paragraph 58, and no contrary opinion was expressed anywhere in the said judgment. The relevant observations in this regard are as under:

> *"58. In this context, we have seriously considered the arguments advanced by learned Advocate General about re-arrest of the accused who is released with or without bail bonds on the ground of alleged non-compliance of the provisions of Section 50 of Cr.P.C. for not giving the grounds of arrest in writing. In this context, Shri. Bhuta could not point out any embargo or bar upon such re-arrest. Shri. Amit Desai, however, submitted that once the accused is released on that ground, re-arrest would violate the protection of the accused under Article 21 of the Constitution of India. The State should not be given a second chance. In this connection, we are inclined to agree with the learned Advocate General that there is no bar in re-arresting the persons who are released for non-furnishing the grounds of arrest in writing. What the accused are claiming in this situation, is that, they were arrested in violation to the provisions of Cr.P.C. and it infringes their constitutional right*

under Article 21 but if they are released on that ground and thereafter if the grounds of arrest are supplied to them, they cannot have any grievance. The purpose behind these provisions is to make the accused aware as to why he was arrested and thereafter enable him to defend himself. Leaving aside the issue whether such ground should be communicated orally or should be given in writing for the time being; if on the ground of non-communication they are released and if thereafter the grounds are furnished as per the requirement; then the accused cannot have any grievance, that they were not aware as to why they were arrested. From that point onward, the procedure for remand can be followed and the shortcoming of non-compliance of the provision is wiped out. In that context, reference can be made to the case of Kavita Manikikar. In that case, the Petitioner before the Court was a lady. She was released because she was Digitally Signed arrested after sun-set for breach of Section 46(4) of Cr.P.C. Having held her arrest illegal, the Division Bench of this Court went on to observe that considering the seriousness of the allegations, she could be re-arrested after following due procedure of law. The same course can be adopted in the cases where the investigating agency wants to re-arrest the accused if they are released for non-compliance of Section 50 of Cr.P.C."

(Emphasis added)

40. On the other hand, reliance on decision in Vihaan Kumar v. State of Haryana & Anr. (supra) can be of no help to the petitioners, inasmuch as the said judgment does not decide the question of whether re-arrest is legally permissible after an initial arrest is declared illegal. The Hon'ble Supreme Court in that case expressly noted that it was not necessary to adjudicate on that issue in the given set of facts of that case. Thus, no proposition of law was laid down in the said decision on the permissibility of re-arrest. The relevant observations in this regard are as under:

"22. Another argument canvassed on behalf of the respondents is that even if the appellant is released on the grounds of violating Article 22, the first respondent can arrest him again. At this stage, it is not necessary to decide the issue."

41. However, this Court's attention was drawn to the judgment of Rakesh Kumar Paul v. State of Assam (supra) by the State wherein while releasing the petitioner on default bail, on the ground that chargesheet had not been filed within a period of 60 days, the Hon'ble Supreme Court had clarified that the release of petitioner shall not prohibit or otherwise prevent the arrest or rearrest of the Digitally Signed petitioner on cogent grounds in respect of the subject charge. The relevant observations in this regard are as under:

> *"49. The petitioner is held entitled to the grant of "default bail"on the facts and in the circumstances of this case. The Trial Judge should release the petitioner on "default bail" on such terms and conditions as may be reasonable. However, we make it clear that this does not prohibit or otherwise prevent the arrest or re-arrest of the petitioner on cogent grounds in respect of the subject charge and upon arrest or re-arrest, the petitioner is entitled to petition for grant of regular bail which application should be considered on its own merit. We also make it clear that this will not impact on the arrest of the petitioner in any other case."*

42. Thus, in the considered view of this Court, there is merit in the argument advanced on behalf of the State that when an accused is released or his arrest is declared illegal solely on technical or procedural grounds - such as in the cases of Rakesh Kumar Paul v. State of Assam (supra), Kavita Manikikar v. CBI (supra), or Vicky Bharat Kalyani v. State of Maharashtra (supra) - the State cannot be precluded from taking steps to re-arrest such a person, provided the subsequent arrest is affected strictly in accordance with the procedure established by law. The mere fact that the earlier arrest was vitiated on account of procedural lapses does not, by itself, create any blanket immunity from future arrest, especially where the investigating agency continues to be in possession of material implicating the accused and there has been no adjudication on the merits of such material by the court declaring the arrest illegal.

43. In view of the foregoing discussion, this Court finds that the initial arrest of the petitioners was declared non-est solely due to non-furnishing of written grounds of arrest and not due to insufficiency of material against them. Further, detailed and sufficient grounds of arrest were

furnished to the petitioners at the time of re-arrest on 10.006:2025. This Court also concludes that there is no statutory or judicial bar on re-arrest of an accused after curing the procedural defects of a prior illegal arrest; and that the judicial precedents, including those of the Hon'ble Supreme Court and Bombay High Court (as discussed above) support the proposition that a subsequent arrest is permissible in law, provided procedural safeguards are followed.

13. As per settled law as laid down in ***Mihir Rajesh Shah (supra), 'Anwar Khan @ Chacha (supra) and Manish Kumar (supra),*** the grounds of arrest must be supplied to an accused in writing at least two hours prior to him being presented before the Magistrate for his police remand. Further, re-arrest of the accused is permissible after due compliance of the law laid down in ***Mihir Rajesh Shah (supra),*** if the facts so warrant.

14. Coming back to the facts of the present case, as per the admitted position available by way of documentary evidence, the application for the first police remand was scanned at about 03:22 p.m. and the grounds of arrest were supplied to the accused during the hearing of the first application when the arrest was declared illegal. As per the prosecution case, the arrest of the petitioners was declared illegal at about 03:35 p.m and they were ordered to be released from custody. As per the prosecution case, they were released from custody. Thereafter, an application was moved for their re-arrest. Apparently, the averment in the application that two hours have elapsed since the time the grounds of arrest were supplied is incorrect in view of the fact that the application for re-arrest was moved between 03:50 p.m. and 04:00 p.m. and the grounds were supplied sometime between 03:20 p.m. and 03:35 p.m. However, the same would have little relevance as the subsequent arrest

of the petitioners is at 06:20 p.m. as per the arrest memos and they were produced for police remand later between 08:00 to 08:15 p.m. Therefore, it is apparent that the grounds of arrest were supplied to the accused more than two hours before the second application for police remand.

Further, there is no requirement in law that the grounds of arrest must be supplied prior to each arrest in the same FIR. Admittedly, the same were provided when the accused were produced for police remand first time between 03:20 p.m. and 03:35 p.m. When they were subsequently arrested at 06:20 p.m. and produced for police remand later that evening there was no requirement of the re-supply of the grounds of arrest.

15. It would not be out of place to mention here that the allegations levelled against the petitioners are grave inasmuch as they have resorted to firing in the Court premises. As per the affidavit of Mahesh Kumar, HPS, Deputy Superintendent of Police (HQ), Bhiwani, Haryana, dated 19.02.2026, petitioner No.1-Vinod alias Binnu and petitioner No.3-Aman are both serial offenders. The relevant extract of the affidavit showing their antecedents is as under:-

> *12. That as per the record of concerned police station, the petitioner Vinod @ Binnu is also involved as accused in the following cases also-*
>
> *a. FIR No. 530 dated 17.08.2017, under Sections 323, 506, 341, 34 IPC and Section 3(2)(VA) of SC/ST Act, P.S. City Bhiwani, in which, he has been convicted on 04.09.2019.*
>
> *b. FIR No. 520 dated 27.08.2020, under Sections 25/54/59 Arms Act, P.S. City Bhiwani, which is pending adjudication.*
>
> *c. FIR No. 692 dated 22.12.2021, under Sections 147, 149, 323, 506, 307 IPC & Section 25/54/59 Arms Act, P.S. City Bhiwani, which is pending adjudication.*

d. FIR No. 651 dated 13.11.2022, under Sections 147, 149, 323, 506, 307 IPC, P.S. City Bhiwani, which is pending adjudication.

e. FIR No. 299 dated 19.05.2022, under Sections 147, 148, 149, 323, 506 IPC, P.S. City Bhiwani, which is pending adjudication.

f. FIR No. 318 dated 27.05.2022, under Sections 147. 149. 323. 506, 379 IPC & SC/ST Act, P.S. City Bhiwani, which is pending adjudication.

g. FIR No. 485 dated 27.09.2023, under Sections 323, 506, 341. 365, 34 IPC, P.S. City Bhiwani, which is pending adjudication.

h. FIR No. 189 dated 29.04.2024, under Sections 147, 148, 149, 307,452, 506 IPC & Sections 25/54/59 of Arms Act, P.S. City Bhiwani, which is pending adjudication.

13. That as per the record of concerned police station, the petitioner Aman is also involved as accused in the following cases also-

a. FIR No. 606 dated 03.10.2023, under Sections 25/54/59 Arms Act, P.S. City Bhiwani, which is pending adjudication.

b. FIR No. 558 dated 09.09.2023, under Sections 307, 506, 34 IPC, P.S. City Bhiwani, which is pending adjudication.

16. In view of the aforementioned facts and circumstances, I find no merit in the present petition and the same stands dismissed.

17. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

April 17, 2026
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable :- Yes