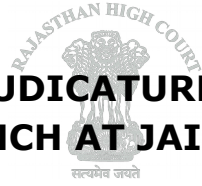




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Habeas Corpus Petition No. 171/2026

Rohit Joshi S/o Dr. Mahesh Joshi, Aged About 35 Years, Resident B-20 Sen Colony, Power House Road, Near Railway Station, Jaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Home Department, Secretariat, Jaipur.
2. The Director General Of Police (Anti-Corruption Bureau), Jhalana Institutional Area, Jhalana Doongri, Jaipur.
3. Shri Mahavir Prasad Sharma, Additional Superintendent Of Police, Special Unit First, Anti Corruption Bureau, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Sneh Deep Khyaliya with
Mr. Siddharth Sharma
Mr. Himanshu Choudhary

For Respondent(s) : Mr. Rajendra Prasad, Senior Advocate
(AG) with Mr. Rajesh Choudhary, GA-
cum-AAG, Mr. Aman Kumar, Mr. Vinod
Kumar Sharma, Ms. Neha Goyal, Mr.
Vijay Yadav, AGA, Mr. Jitendra Singh
Rathore, AGA, Mr. Tanay Goyal
Ms. Manju Dave, AGA

**HON'BLE MR. JUSTICE UMA SHANKER VYAS (V. J.)
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN (V. J.)**

Order

Per Justice (Ashok Kumar Jain)

12/06/2026

1. The instant habeas corpus petition is filed by the petitioner, who is son of detenu Dr. Mahesh Joshi. The petition is primarily filed on the ground that without communicating ground of arrest to the family members and friends of detenu and further



violation of Article 22(1) of the Constitution of India, the detention of Dr. Mahesh Joshi is illegal since 07.05.2026.

2. Brief facts of the case are that the ACB has registered FIR No. 245/2024 dated 30th October 2024 under Section 7(c), 12, 13(1)(a), read with Section 13(2) & 15 of the Prevention of Corruption Act 1988 (as amended) Act of 2018 and Sections 409, 466, 467, 468, 471, 477A and 120B of IPC. Dr. Mahesh Joshi was arrested on 07:45 A.M. on 07.05.2026, on charge of offence under Sections 7(c), 12, 13(1)(a) read with Section 13(2), 15 of the P.C. Act, 1988 (as amended by Act of 2018) and Sections 167, 468, 471, 420, 120B of IPC.

3. The material on record also indicate that the detenu was produced before learned Special Judge, (PC Act Cases) No.1, Jaipur Metropolitan-I, Jaipur on 07.05.2026 and was remanded to police custody till 11.05.2026. An application is filed by the counsel for detenu at the time of remand alleging violation of directions in case of **Vihaan Kumar Vs. State of Haryana: (2025) 5 SCC 799**. The ACB has submitted first reply on 11.05.2026, but afterward again filed second and detailed reply on 14.05.2026. This application was decided by the learned Special Judge, (PC Act Cases) Jaipur Metropolitan-II, Jaipur on 08.06.2026, resulting in dismissal of application.

4. The instant petition is filed on 19.05.2026 and the reply has already been filed by the State. At this stage, at the request of learned counsel for the petitioner and learned Advocate General appearing on behalf of the State, we are deciding this petition on merits.





5. Learned counsel for the petitioner submits that father of the present petitioner was illegally detained on 7th May 2026 in connection with a report registered by the ACB on 30th October 2024 for offense under the Prevention of Corruption Act and also under the IPC. He also submits that neither on 07-05-2026, soon before the arrest nor after the arrest and production before learned Sessions Judge, either the detenué or family member of the detenué were informed about the ground of arrest. He further submits that at the time of production of detenué before learned Sessions Judge, an application (Annexure-2) was filed to raise objection about non-compliance of direction in case of **Vihaan Kumar Vs. State of Haryana** (supra). He also submits that without deciding the application submitted by the counsel for detenué, a three-day remand was sanctioned by learned Sessions Judge, which is contrary to the directions issued by the Hon'ble Supreme Court of India. He also submitted that neither the grant of ground of arrest were communicated orally nor in writing to detenué or family member of detenué. He further referred the stand of the ACB and submitted that at one point of time, the ACB has claimed that the ground of arrest were explained orally to the family members and later stated that the grounds were communicated to the detenué himself. He also submitted that the ACB has fabricated the document of 6th May 2026 whereby the directions have been given to another Additional SP by Investigating Officer of the case, who is not sub-ordinate to the Investigating Officer. He also submitted that initial reply to the application of the counsel for detenué was filed on 11.05.2026 but





letter on a detailed reply was filed on 14.05.2026, after manipulation of facts.

6. Learned counsel has submitted that the detenu was illegally detained from the house, without preparing arrest memo and few hours after, the arrest memo was prepared at ACB Headquarters. He also submitted that in remand order, it was mentioned that the detenu was informed of the ground of the arrest whereas in reply to the application about non-compliance, the ACB has mentioned that the son of detenu was informed about grounds. He submitted that the son of detenu is before this Hon'ble Court to pursue Habeas Corpus petition. He submitted that the detenu is a well-known public figure and there are no chance of absconding him from his house as no attempt was made by the detenu to flee from jurisdiction of this Hon'ble Court. He also submitted that the ACB has not complied the directions and the mandate under the BNSS and Article 22 of the Constitution of India and due to non-compliance, the arrest is illegal and the detenu is required to be released forthwith.

7. Learned counsel has further submitted that on similar facts, the Enforcement Directorate (ED), has also registered a case for predicate offense, and the detenu was released on bail by Hon'ble Court and afterwards, the detenu is regularly attending the Court proceedings and complying the directions of bail. He also submitted that there was no allegation that the detenu has ever influenced any of the prosecution evidence. He also submitted that after being released in ED matter, the detenu has attended all the proceedings conducted by the Court. He further submitted that no record has been submitted by the ACB to show





that the son of the detenu was informed about ground of arrest. He also submitted that any WhatsApp call is not admissible in evidence, and same is deprecated by the Courts. He further referred the material submitted by the ACB and submitted that to deny the ground, the ACB has not only prepared a false document but also submitted false facts before this Hon'ble Court. He further referred order dated 8th June 2026 passed by the learned Special Judge, PC Act cases, No. 2, Jaipur Metropolitan-II, Jaipur and submitted that the application submitted on 7th May 2026 was decided after more than a month and that too without addressing the grounds raised by him.

8. Learned counsel has further placed reliance upon judgment of Hon'ble Supreme Court in case of **Kasireddy Upender Reddy Vs. State of AP & Ors. : 2025 SCC OnLine SC 1228** and submitted that for breach of fundamental rights under Article 22 of the Constitution of India, the only recourse is habeas corpus petition and by way of current habeas corpus petition, the petitioner has challenged not only non-compliance of ground of arrest but also the process of arrest adopted by the ACB, which itself is illegal and contrary to law. Thus, the detention of detenu is without any authority by law.

9. Learned counsel has further referred judgments in case of **Achin Birpalia vs. State of NCT of Delhi : Crl. Misc. Case No. 2662/2026** (decided on 20.04.2026 by a Single Bench of Delhi High Court), **Ganesh Kumar Vs. Union of India :2025 OnLine Gau 2598** (decided on 05.05.2025 by Gauhati High Court), **National Investigation Agency Vs. Thangminlen Mate Crl Appeal No. 234/2025** (decided on 21.08.2025 by a Division





Bench of Gauhati High Court), **Hemkolal Mate Vs. National Investigation Agency : Crl. Appeal No. 433/2025** (decided on 25.03.2026 by a Division Bench of Gauhati High Court) and submitted that the petitioner has only option to challenge the grounds at first available stage and same was raised before the learned Sessions Judge at the stage of first remand and now the detention has been challenged by filing this Habeas Corpus Petition.

10. Aforesaid contentions were opposed by learned Advocate General appearing on behalf of the respondents. He submitted that a detailed reply has been filed to deny the allegations made by the petitioner. He also submits that the petitioner has raised identical issue before learned Special Judge (PC Act Cases), and same were decided on 8th June 2026 and a copy of the order is placed on record as Annexure R/6. He also submits that the application is filed on the ground that the grounds of arrest were not informed to family members of the detenu and now the habeas corpus is filed on the ground that the grounds of arrest were never informed to the detenu. He also submits that once the grounds have been raised before learned Sessions Judge, then the petitioner cannot file a habeas corpus petition before this Hon'ble Court. He further submitted that the ground can be informed even after the arrest and the petitioner has no reason to agitate that the detenu or his family members were not informed about the grounds of arrest. He also submitted that as soon as the detenu was detained and was taken to ACB Headquarters an arrest memo was prepared, the petitioner, who is son of petitioner, was informed about the arrest and the time when the detenu be





produced before the Sessions Judge. He submitted that the counsel of the detenu was present at the time of remand and same is indicative of the fact that the information was supplied to the family members. He further referred the documents submitted with reply and submitted that at the time of remand learned Sessions Judge has noticed the compliance of the directions and compliance of Sections 47 and 48 of the BNSS. He also submitted that after 07.05.2026 the detenu was further reproduced for further remand on 11.05.2026 and a judicial custody remand was further passed. He also submitted that even thereafter the detenu was produced before the Sessions Judge and the remand was further extended which means after initial order of remand on 07.05.2026, several remand orders were passed and all are judicial orders, which require to be challenged by the petitioner and the detenu, but same has not been challenged. He submits that once a judicial order is passed then the detenu or the person interested in him is required to challenge the order in accordance with law and he cannot file a Habeas Corpus Petition where the detenu is in judicial custody under the orders of a Court in a criminal case.

11. Learned Advocate General has further referred to Section 55 of BNSS and submitted that Investigating Officer of the case has deputed some other person to arrest the detenu and the other person who was assigned the duty to detain/arrest the detenu has detained the detenu and produced it before the Investigating Officer. He submits that the Investigating Officer has made full compliance of Section 55 of BNSS. He also submitted that Section 48 of BNSS put an obligation upon the police to inform about the





arrest etc. to the relatives or friends. He submitted that he has placed on record the communication made to the family of the detenu about the arrest and also the time when the detenu will be produced before the Session Judge. He also submitted that in compliance of said information, the counsel was present to oppose the remand sought by the ACB. He submitted that the counsel of his own choice was present at the time of first remand when the information was supplied to the family members about the arrest of the detenu. He further referred Article 22(1) of the Constitution of India and submitted that the Court has to see substantial compliance of the provision and in the instant case, the substantial compliance has already been made. He further referred judgment in case of **State of Maharashtra and Ors. vs. Tasneem Rizwan Siddiquee** (Criminal Appeal No.1124/2018 decided on 05.09.2018 by a three Judges' Bench of Hon'ble Supreme Court) and submitted that no writ of habeas corpus could be issued in the fact situation of the presnet case, the High Court should have been loath to enter upon the merits of the arrest in absence of any challenge to the judicial order passed by the Magistrate granting police custody. He submitted that a Larger Strength Bench has categorically laid down that once a judicial order is passed to authorise remand and the detenu is in custody on the basis of remand, then a Habeas Corpus Petition cannot be maintained to challenge arrest.

12. Learned Advocate General has further placed reliance upon judgment of Hon'ble Supreme Court in case of **V. Senthil Balaji Vs. The State represented by Deputy Director and Ors.:** **Criminal Appeal Nos. 2284-2285 of 2023** decided on





07.08.2023 and submitted that a Magistrate is duty-bound to evaluate and authorize detention carefully and in the instant case, after considering the grounds the detention was authorized and same is a judicial order. He submitted that a writ of habeas corpus can be issued when the detention is illegal and in the instant case, the detention cannot be challenged on the ground of illegality.

13. He also referred judgment of Hon'ble Supreme Court in case of **Serious Fraud Investigation Office Vs. Rahul Modi and Anr. : (2019) S SCC 266** and submitted that the habeas corpus petition is not a proper petition to consider the detention of a person who was legally arrested and sent to judicial custody by a Court of law. He also placed reliance upon judgment of Hon'ble Supreme Court in case of **State of Karnataka Vs. Sri Darshan : 2025 INSC 979** and submitted that delay in furnishing ground of arrest cannot by itself constitute a valid ground for grant of bail.

14. Learned Advocate General has further relied upon judgments in case of **Vihaan Kumar Vs. State of Haryana** (supra), **Kasireddy Upender Reddy Vs. State of Andhra Pradesh and Ors.** (supra), **Mihir Rajesh Shah Vs. State of Maharashtra and Anr. : 2025 INSC 1288** and submitted that the substantial compliance has already been made by the State and Nothing is wrong on the part of the State, while effecting arrest of detenu.

15. Heard the learned counsel for the petitioner and the learned Advocate General appearing on behalf of the State.

16. Section 47 of the BNSS is reproduced as under.

"47. Person arrested to be informed of grounds of arrest and of right to bail.—(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the





offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf."

17. In case of **Pankaj Bansal vs. Union of India and others reported in 2024(7) SCC 576**, Hon'ble Supreme Court has held

that the ground of arrest must necessarily be meaningful so as to serve the intended purpose, therefore, it must be furnished to the arrestee in writing as a matter of course.

18. In the case of **Rajbhushan Omparkash Dixit v. Union of India, reported as 2019 SCC OnLine SC 2231**, the Supreme Court expressed its strong disapproval over the non-supply of the grounds of arrest by the ED and held that the supply of a written copy of the grounds of arrest was a mandatory requirement in compliance with Section 19(3) of the PMLA Act.

19. Relying upon the judgment in the case of **C.B. Gautam v. Union of India (1993) 1 SCC 78**, it was observed that, if the arrested person wishes to apply for bail or challenge his remand order, it would not be possible for him to recollect the exact particulars of the grounds of arrest, which would become a hindrance in availing his statutory remedy.

20. In the case of **Pankaj Bansal v. Union of India, reported as 2024 (7) SCC 576**, the Supreme Court prioritized the transparency of State action and directed procedural safeguards for personal liberty. The Supreme Court also stated that failure to supply the grounds of arrest rendered the arrest illegal and invalid.





21. In case of **Prabir Purkayastha Vs. State (NCT of Delhi)** : **(2024) 8 SCC 254** while relying upon judgment in case of **Pankaj Bansal vs. Union of India and others** (supra), Hon'ble Supreme Court reiterated that the ground of arrest shall be furnished to the person arrested either under UAPA or any other offence in writing without any exception at earliest.

22. In case of **Vihaan Kumar Vs. State of Haryana** (supra), it was held that the requirement of informing the person arrested on the ground of arrest is not a formality, but a mandatory constitutional requirement. Article 22 is included in Part-III of the Constitution under the heading of fundamental rights, thus, it is a fundamental right of every person arrested and detained in custody to be informed of the grounds arrest as soon as possible. If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental rights of the arrestee guaranteed under Article 22(1) of the Constitution of India, it will also amount to depriving the arrestee of his liberty and reason is that, as provided under Article 21 of the Constitution, no person can be deprived of his liberty except in accordance with procedure established by law.

23. It was further held that before a police officer communicates the grounds of arrest, the grounds of arrest have to be formulated. Therefore, there is no harm if the grounds of arrest are communicated in writing. Explaining the provision under Sections 50(1) and 50A of CRPC, information about the arrest as well as grounds to relatives/friend of arrestee, it was held that the grounds of arrest be communicated to the detainee and in addition



to his relatives, it is not an empty formality. In case of **Mihir Rajesh Shah vs The State of Maharashtra** reported in **2025 INSC 1288**, Hon'ble Supreme Court has reiterated that requirement of informing the arrested person, the grounds of arrest in light of and under Article 22(1) of the Constitution of India is not a mere formality, but a mandatory binding constitutional safeguard which has been included in Part-III of the Constitution. The directions issued are reproduced as under:-

- 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."

24. Aforementioned legal position clearly indicate that the ground of arrest must be communicated in writing to the arrestee in the language he/she understands and in case the grounds are not communicated in writing then it can be so done orally but grounds to be communicated in writing within a reasonable time but in any case at least two hours prior to production of arrestee for remand proceeding before the Magistrate.

25. Here in the entire case, the ACB has not served any notice to show that the detenu was ever intimated about the ground of





arrest soon before the arrest at 7:45 am on 07.05.2026. A checklist was referred by learned Sessions Judge at the time of first remand and it indicate that the detenu was arrested as there was apprehension of interference and influencing the evidence, the interrogation with regard to electronic equipment, mobile and other investigation are required. A notice under Sections 47 and 48 of BNSS is placed on record to show that Dr. Mahesh Chand Joshi was informed about the ground of arrest, but in the entire record, not a single document to disclose the ground of arrest was ever filed by the respondents.

26. The ground of arrest and reason of arrest cannot be compared with each other. The difference between reason of arrest and ground of arrest are explained by Hon'ble Supreme Court in case of **Prabir Purkayastha Vs. State (NCT of Delhi)** reported in 2024 INSC 414.

27. The Delhi police has issued a standing order No. 330/2019 titled as "guidelines for arrest". These guidelines refer judgment of Hon'ble Supreme Court in case of **Jogender Kumar Vs. State of UP: WP(Crl.) No. 9/1994** (judgment dated 25.04.1994), **D.K. Basu Vs. State of West Bengal : WP(Crl.) No. 592/1987** (judgment dated 18.12.1996), **Arnesh Kumar Vs. State of Bihar and Another : SLP (Crl.) No. 1277/2014** (judgment dated 02.07.2014). A specific checklist is also provided in form of 18 points.

28. Whatever be the case, the ACB is required to mention to the detenu about the specific offence which has been made out against him, his role and involvement and the acts of the accused which compelled the ACB to arrest him but in the instant case,





neither the detenué nor his family was informed about of the ground of arrest. We have very serious doubt about the understanding of police in the State of Rajasthan, in particularly the material indicate that the ACB is not aware about the basic fundamentals of the ground of arrest. The ACB has merely mentioned the offence registered against the detenué and on basis of that made arrest of detenué Dr. Mahesh Joshi.

29. In case of **Prabir Purkayastha Vs. State (NCT of Delhi)** (supra), Hon'ble Supreme Court has clearly laid down that the grounds must be meaningful, and sufficient enough to give a broad idea to the person arrested of the execution levelled and why he has been taken into custody. Section 47 of the BNSS mandates that the person arrested to be charge on ground of arrest. The Supreme Court judgments as referred hereinabove clearly indicate that it is mandatory on the part of the ACB to intimate the grounds of arrest either before the making arrest or soon after the arrest, but two hours prior to production before learned Special Judge. In the instant case, the Special Judge has neither taken care of legal mandate nor the application which was filed at the time of remand is decided while allowing the police remand on 7 May 2026.

30. When we come to first reply of ACB, then it was mentioned that Dr. Mahesh Joshi (detenué) was informed about the grounds of arrest and, thereafter, he was arrested. A signature has been obtained on memo under Sections 47 and 48 of the BNSS and these signatures have no value as same was obtained when Dr. Mahesh Joshi was at ACB Headquarters and he was in police custody. Thereafter, the detailed reply submitted by the ACB





indicate that Shri Bhupendra and Shri Himanshu (both Additional SP) have reached at the residence of Dr. Mahesh Joshi at 4:15 a.m. on 07.05.2026 and the family members were informed about the reasons and the ground to take him with them to ACB Headquarters. This fact was not mentioned in the preliminary reply filed on May 11, 2026. The remand papers submitted on 07.05.2026 did not disclose that Dr. Mahesh Joshi was detained at 4:15 a.m. from his house by Shri Bhupendra and Shri Himanshu. The arrest memo was prepared in presence of Yaspal and Jagdish Choudhary, both Constables and Head Constable. There is no memo on record to show that after detention of Dr. Mahesh Joshi by two other Additional SPs, the corpus was handed over to Shri Mahavir Prasad Sharma, Additional SP.

31. The material on record clearly indicate that in the initial reply filed on 11.05.2026, no specific mention except intimation about the grounds to Dr. Mahesh Joshi and further information of arrest to son of Dr. Mahesh Joshi were mentioned but no other details were mentioned, but in a subsequent reply filed on 14.05.2026 several facts were mentioned and we can safely say that these are manipulated facts by the ACB. Since it is a matter of great importance and relating to corruption of public money, therefore, we are not going into the details of fabrication of Hukumnama dated 06.06.2026 and further proceedings authorisig Shri Bhupendra and Shri Himanshu but we are keeping this issue open to be taken up at any time so that the fabrication by any police officer is not protected.

32. In the instant case, there is a difference between the statement of ACB, made at first instance, wherein it has stated





that the grounds were intimated to Dr. Mahesh Joshi, but later it said that the grounds were intimated to the family. Except a notice under Sections 47, 48 of BNSS, no other material is available to show that any written memo indicating ground of arrest was ever communicated to Dr. Mahesh Joshi or any of family member of Dr. Mahesh Joshi.

33. Now comes the stage at which the issue can be raised. The detenu was produced on 07.05.2026 and his counsel was present. who filed an application specifically mentioning non-compliance of direction in case of **Vihaan Kumar Vs. State of Haryana** (supra). The Special Judge instead of considering application has kept it pending and later recused himself and the matter was transferred to another court.

In the instant case, it was the duty of the Judge to consider the legality of arrest on 07.05.2026, but the Sessions Judge who was appointed as the Special Judge, (PC Act cases) has not complied the directions of Hon'ble Supreme Court. We failed to understand why the compliance has not been ensured by him as the duty was casted upon him and same is evident from observation of Hon'ble Supreme Court in case of **Vihaan Kumar Vs. State of Haryana**

(supra) and we are reproducing the same for ready reference:-

"25. When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) has been made. The reason is that due to non-compliance, the arrest is rendered illegal; therefore, the arrestee cannot be remanded after the arrest is rendered illegal. It is the obligation of all the Courts to uphold the fundamental rights.





34. Learned Advocate General has referred a judgment in case of **State of Maharashtra and Ors. vs. Tasneem Rizwan Siddiquee** (supra), whereby a three Judges Bench has observed as under:-

"11. Suffice it to observe that since no writ of habeas corpus could be issued in the fact situation of the present case, the High Court should have been loath to enter upon the merits of the arrest in absence of any challenge to the judicial order passed by the Magistrate granting police custody till 23rd March, 2018 and more particularly for reasons mentioned in that order of the Magistrate. In a somewhat similar situation, this Court in State represented by **Inspector of Police and Ors. Vs. N.M.T. Joy Immaculate : (2004) 5 SCC 729** deprecated passing of disparaging and strong remarks by the High Court against the Investigating Officer and about the investigation done by them. Accordingly, we have no hesitation in expunging the observations made in paragraphs 4 to 6 of the impugned judgment against the concerned police officials in the facts of the present case."

35. In case of **V. Senthil Balaji Vs. The State represented by Deputy Director and Ors** (supra), Hon'ble Supreme Court held that a writ of Habeas Corpus shall only be issued when the detention is illegal. As a matter of rule, an order of remand by a judicial officer, culminating into a judicial function cannot be challenged by way of a writ of Habeas Corpus, while it is open to the person aggrieved to seek other statutory remedies. Again, in case of **State of Karnataka Vs. Sri Darshan** (supra), Hon'ble Supreme Court has held that delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail.

36. Having considered aforesaid judgments as referred by learned Advocate General, we are of considered view that since





the arrest has already been made on 07.05.2026 and the grounds of non-compliance was raised before the learned Special Judge, but learned Special Judge either negligently or deliberately did not ensured compliance, has kept pending the issue and ultimately on 08.06.2026 dismissed the application, that too after 31 days of the arrest, and meanwhile several authorization orders for detention were passed, thus, now it is not possible for this Court to consider any Habeas Corpus Petition that detention is illegal due to non-supply of grounds of arrest to accused and family members.

37. In view of the discussion made above, we are of the view that there is non-compliance of mandatory provisions of law as discussed hereinabove but considering the limitation as expressed in several landmark judgments as referred herein above, it is not possible for this court to consider the legality of the arrest under Article 226 of the Constitution of India. The Special Judge has already decided application on 8th June 2026 and the petitioner is free to challenge the order as per law.

38. A very recently, a Co-ordinate Division Bench of the Allahabad High Court in case of **Neeraj and another vs State of UP and another : Habeas Corpus petition No. 218 of 2026** has refused to declare the arrest of an individual as illegal as no ground of arrest was communicated to him.

39. In view of the discussion made herein above, the instant Habeas Corpus Petition under Article 226 of the Constitution of India is hereby dismissed with pending application, if any.

40. Before parting the order, we like to observe that the Police of the State and Judicial Officers of the State are required training





about the directions issued by Hon'ble Supreme Court in cases of **Vihaan Kumar Vs. State of Haryana** (supra) and **Mihir Rajesh Shah vs The State of Maharashtra** and (supra) so that at initial stage, the compliance of Article 22(1) of the Constitution is made meaningfully.

41. A copy of this order be sent to the Registrar General of this Court to place before the Hon'ble Chief Justice and also to the ACS (Home), Government of Rajasthan, for compliance.

(ASHOK KUMAR JAIN (V. J.)),J

(UMA SHANKER VYAS (V. J.)),J

6/MR