



CGHC010264742026



2026:CGHC:33358-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 388 of 2026**

Jitesh Anand @ Jitu S/o Sh. Vijay Kumar Aged About 28 Years Through His
 Pairokar/ Brother Sh. Hunny Anand R/o House No. 514/11, Sora Kothi, Gau
 Karan Road, District - Rohtak, Haryana - 124001

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through S.H.O. P.S. - Cyber Police Thana, (Range
 Sarguja) District - Surguja/ambikapur, Chhattisgarh, 497001

2 - Mr. Rahul Bansal I.P.S./ City SP- Ambikapur, I.O. Concerned, F.I.R. No.
 3/2025 P.S.-Cyber Police Thana, (Range Sarguja) District / Surguja/ Ambikapur,
 Chhattisgarh – 497001

3 - H.C. Anshul P.S. - Cyber Police Thana, (Range Sarguja) District - Surguja/
 Ambikapur, Chhattisgarh – 497001

4 - H.C. Praveen Rathore P.S. - Cyber Police Thana, Range- Surguja, District -
 Surguja/ Ambikapur, Chhattisgarh, 497001

... Respondent(s)

For Petitioner(s)	: Mr. Amit Chadha, Senior Advocate assisted by Mr. Nitesh Jha, Mr. Harjas Singh and Mr. Gourav Patel, Advocates.
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For Respondent No. 1/State : Mr. Praveen Das, Additional Advocate General.

Date of Hearing : 29/07/2026

Date of Order : 03/08/2026

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

C.A.V. Order

Per Ramesh Sinha, Chief Justice

1. By this petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, the BNSS*), the petitioner seeks for the following relief(s):

“10.1. Set aside and quash the Order dated 30.06.2026 and the Order dated 03.07.2026 passed by the Ms. Pranjali Netam Ld. Judicial Magistrate First Class, Ambikapur, District Surguja (C.G.), remanding the Petitioner to judicial custody and police custody respectively, and declare the arrest and continued detention of the Petitioner in FIR No. 3/2025, P.S.- Cyber Police Thana, Range-Surguja, District-Surguja / Ambikapur, Chhattisgarh, as illegal, unconstitutional and non-est in law; And/or

10.2. Direct the immediate release of the Petitioner on bail from the illegal and unlawful custody of the Respondents in the said FIR; and/or

10.3. Pass any such further order(s) as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the present case.”

2. The facts, in brief, as projected by the petitioner are that one Mr. Ravi Mohan Goswami (hereinafter referred to as ‘the complainant’) alleged that some unknown persons through the mobile numbers 8577064555, 8424855648, 8395943211 and 9991991448 had allured him of getting more money by investing in the share market. It was alleged that the accused persons had gotten installed their Mobile Applications namely Money Trade 365 and Skytrade from Play-Store and in the QR Code given

by the accused persons. It was further alleged that the complainant has deposited total Rs.21,15,000/- in 84 installments and the accused have defrauded the aforesaid amount from the complainant/victim, wherein Rs. 1.92 Lacs from SBI Account Number 32829474155, Rs. 1.05 Lacs from SBI Account Number 34506960656, Rs. 20,000/- from SBI Account Number 41209990733, Rs. 51,000/- from SBI Account Number 20326716390, Rs. 1,27,500/- from SBI Account Number 42610048970, Rs. 1.01 Lacs from SBI Account Number 33998537079, Rs. 1 Lac from SBI Account Number 32222472022, Rs. 1.05 Lacs from Bank of Baroda Account Number 86680100021152, Rs. 2,06,500/- from Gramin Bank Account Number 77030963395, total Rs. 21,11,500/- has been defrauded by the accused persons. The FIR was registered by Police of Police Station, Cyber Police Station, Surguja Range, Ambikapur bearing Crime No. 3/2025 for the offences under Sections 318(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66D of the Information Technology (Amendment) Act, 2008, on 22.07.2025.

3. According to the petitioner, despite the FIR being registered against unknown person, the respondent Police authorities, in pursuance of their malignant designs and nefarious pursuits of falsely foisting the said F.I.R against the petitioner and implicating him in the same. The petitioner was illegally and unlawfully picked up by the said errant officials of the Police on 28.06.2026 from his residence at Rohtak, Haryana and taken to Police Station, City Thana, Rohtak without communicating any information regarding the case in which the petitioner was being taken by the respondent No.2 to 4. Further, no information regarding the same was conveyed by the respondents to the family of the petitioner despite their incessant asking and pleading to the respondent No. 2 to 4. Upon being picked up, detained and arrested by the respondent No.2 to 4 on

28.06.2026, the petitioner was illegally and unlawfully brought by the said officials of the Police, *i.e.*, Chhattisgarh Police to Delhi, without any judicial order permitting or sanctioning such transfer of the petitioner from the confines of State of Haryana to the State of NCT of Delhi by the officials of Police of State of Chhattisgarh. Upon being brought to Delhi during late night of 28.06.2026, the petitioner was held captive by the respondent No.2 to 4 at the Chhattisgarh Bhawan also known as New Chhattisgarh Bhawan in Delhi. At about 12 p.m. to 12:30 p.m. on 29.06.2026, the respondent No. 3 to 4 along with the petitioner departed from Chhattisgarh Bhawan in the car of the said police officials bearing vehicle no. CGG 15 EG 9706. The petitioner was accompanied as by 3-4 police officials, one of which was respondent No.3, Mr. Anshul having Mobile No. 94079-95671. It was informed by the said respondent No.2 that that the petitioner would be produced before the learned Court concerned at Dwarka, Delhi. Upon having gained knowledge of the said fact, the brother of the petitioner appointed Mr. Manmeet Singh, as the Advocate for the petitioner who was present at Dwarka Court Complex on 29.06.2026 to attend to case of the petitioner on his production before the learned Court concerned at Dwarka, Delhi. However, to their utter shock and dismay, the petitioner was not brought or produced before the learned Court concerned at Dwarka till 6 p.m. while the said Advocate for the petitioner as well as the *Pairokar* of the petitioner waited. From 12:30 p.m. till 5 p.m., multiple calls and Whatsapp Messages were sent by the Advocate for the petitioner having mobile no. +91-9999056998 as well his *Pairokar* to the respondent No.2, Mr. Anshul having Mobile No. 94079-95671 incessantly requesting him to inform about the whereabouts of the petitioner. However to their surprise, the mobile phone of the said respondent No.3 was switched off while being on official duty. Further, when the same was switched on, no response to their said

requests, calls and messages by the *Pairokar* of the petitioner and their Advocate was received from respondent No.3. Considering the casual approach of the said official of the Police, the respondent No.2, the counsel for the petitioner approached the respondent No.1, the City SP, Ambikapur/IPS Officer Mr. Rahul Bansal, IO concerned of the said FIR at his Mobile No. +91-94791 93503 and appraised him of the errant acts and audacious conduct of the said respondent No.2 of having arbitrarily apprehended the petitioner and illegally detained him for over 24 hours without informing the reasons/grounds of his arrest/detention. The said official of police, i.e., respondent No.1 ensured to call back the counsel for the petitioner. However no information was provided by the said officials of the police regarding the petitioner. Being aggrieved thereto, the petitioner through his counsel immediately addressed a representation vide e-mail dated 29.06.2026 to bring to fore the errant conduct of the respondents and separately also addressed a detailed representation vide post to the Director General of Police, Chhattisgarh.

4. According to the petitioner, it was learnt by the brother of the petitioner that on 01.07.2026, the petitioner has been arrested and remanded to judicial custody in the said FIR upon his production before the learned Judicial Magistrate First Class, Ambikapur, Surguja, on 30.06.2026 at about 4:50 p.m. without adhering to the mandate of law provided under the BNSS pertaining to arrests and detention.
5. Mr. Amit Chadha, learned Senior Advocate assisted by Mr. Nitesh Jha, Mr. Harjas Singh and Mr. Gourav Patel, learned counsel for the petitioner would submit that the aforesaid lapses are not merely procedural but strike to the very root of the case and render the arrest and detention of the petitioner a nullity in law for being in violation of the mandate of law

governing the same. The petitioner was arrested and detained illegally and unlawfully by the said errant police officials without adhering to the due process of law. No information of arrest and grounds of arrest were informed to the petitioner or to his family members regarding the arrest of the petitioner is the present case. Further, the petitioner was brought by the Chhattisgarh Police and its said errant officials from State of Harayna to State of Chhattisgarh by crossing the borders of various States within the Indian territory over a stretch of 48 hours without any order of Transit Remand authorizing such transit and movement of the petitioner. The petitioner was unlawfully and illegally held captive by the said officials whereby his life and liberty was curtailed and his fundamental rights were violated at the hands of the errant officials of the Chhattisgarh Police i.e., the respondents No. 2 to 4. Their conduct abundantly demonstrates the high handedness being exuded by the them in the said FIR wherein the liberties of innocent individuals like petitioner is being curtailed at the hands of the respondent No.2 to 4 at the drop of a hat without their being even the remotest of their involvement with the said FIR. The said officials of the Police had adopted a pick and choose policy and have been apprehending innocent individuals to satisfy their nefarious vendettas wherein upon the arrest of such individuals, the errant officials are demanding bribes from the families of the arrested persons. One such incident pertains to an individual who was arrested in the same FIR like the petitioner and the said officials of the police had demanded bribe amount of Rs. One Crore and accepted the same thereafter demanded further bribe amounts from such families of the arrested persons. Pertinently, in this regard a complaint had already been made against the said errant officials of the Police of Chhattisgarh with the CBI wherein a detailed report has been called from CBI as well as the office of the Director General of Police, Chhattisgarh by the learned

Court concerned at Rouse Avenue Courts, Delhi, i.e., Learned Special Judge, (PC Act) CBI, Rouse Avenue Courts, Delhi in CT Case No. 47/2026. However, despite such being the peculiarity of the facts involving the present case, the petitioner herein was remanded to judicial custody upon being produced beyond the period of 24 hours on 30.06.2026 at about 4:50 p.m. before the learned Judicial Magistrate First Class, Ambikapur, Surguja, Chhattisgarh. The said order of remand dated 30.06.2026 has been passed following an utmost mechanistic approach in complete oblivion of the peculiar facts of the present case as detailed above. The factum of which was conveniently, purposefully and deliberately suppressed by the respondents in order to prevent the truth from coming to the fore. The high handedness of the respondents did not confine itself to the aforesaid acts, however pursuant to the remand of the petitioner in judicial custody on 30.06.2026, on 03.07.2026 it was learnt that the petitioner's police custody remand was being sought by the respondent No.2 to 3 in the said FIR. Upon having gained knowledge of the same, an application was moved before the learned Judicial Magistrate, First Class, Ambikapur, Surguja, Chhattisgarh for opposing the said request for grant of police custody remand and immediate release of the petitioner from the illegal detention. However, the learned Judicial Magistrate First Class, Ambikapur, Chhattisgarh, vide the impugned order dated 03.07.2026 was pleased to grant two day's Police Custody remand of the petitioner to the respondent No.2 to 3 and the application of the petitioner was dismissed without adjudicating on the merits of it and/or taking into consideration even an iota of documents produced before it by the counsel for the petitioner.

6. Mr Chadha would further submit that the impugned orders dated 30.06.2026 and 03.07.2026 remanding the petitioner to custody are *ex facie illegal*, arbitrary and contrary to the mandate of law. The petitioner

was apprehended from his residence at Rohtak, Haryana, on the evening of 28.06.2026, whereupon his liberty stood curtailed. Thereafter, he was taken to Delhi and kept in the custody of the respondent officials at Chhattisgarh Bhawan throughout the night of 28.06.2026 and till about 12:00 noon on 29.06.2026, following which he was transported by road through Delhi and Uttar Pradesh to Chhattisgarh. Despite being in continuous custody since 28.06.2026, the petitioner was produced before the Judicial Magistrate First Class, Ambikapur, only on 30.06.2026 at about 4:50 p.m., without obtaining any transit remand from the nearest Magistrate. It is contended that such detention and transportation across States without judicial authorization is in clear violation of Section 187 of the BNSS and Article 22(2) of the Constitution of India, rendering the arrest and consequential remand illegal. Mr. Chadha would further submit that the period of twenty-four hours prescribed for production before the nearest Magistrate commences from the moment an individual's liberty is curtailed, namely the evening of 28.06.2026 in the present case. The failure of the investigating agency to produce the petitioner before the nearest Magistrate within the stipulated period strikes at the root of the prosecution and vitiates the subsequent remand orders, which were passed mechanically without proper judicial application of mind. The petitioner was neither furnished with the grounds of arrest at the time of his arrest nor were his family members informed thereof, in complete violation of the mandatory statutory provisions and the law laid down by the Hon'ble Supreme Court. The personal search and seizure memo also does not indicate that any written grounds of arrest were supplied to the petitioner, thereby demonstrating non-compliance with the mandatory safeguards governing arrest. No transit remand was obtained before transporting the petitioner from Haryana to Chhattisgarh through different States, nor was

the movement intimated to the local police authorities. The purported notice issued under Section 35(3) of the BNSS on 29.06.2026, after the petitioner had already been detained since the previous evening, is stated to be a colourable exercise of power intended only to lend legitimacy to an otherwise illegal detention. No justification has been furnished by the respondents as to why the petitioner was arrested despite allegedly joining the investigation. He would lastly submit that the investigation has been conducted in a highly arbitrary and *mala fide* manner. Allegations of corruption and extortion against the investigating officers in connection with the same FIR are already the subject matter of proceedings before the competent court, and representations highlighting these facts were also made to the Director General of Police, Chhattisgarh. Despite all these objections having been specifically raised before the learned Magistrate, the same were ignored, and the petitioner was remanded to custody without due consideration of the serious legal infirmities surrounding his arrest and detention.

7. In support of his contentions, learned counsel for the petitioner would place reliance on the decision of the Apex Court in ***Vihaan Kumar v. State of Haryana*** {SLP(C) No. 13320/2024}, ***Mihir Rajesh Shah v. State of Maharashtra & Another*** {(2026) 1 SCC 500}, ***Kasireddy Upender Reddy v. State of Andhra Pradesh & Others*** {Cr.A. No. 2808/2025, decided on 23.05.2025}, ***Prabir Purkayastha v. State (NCT of Delhi)*** {2024 INSC 414}, ***Manubhai Ratilal Patel through Ushaben v. State of Gujarat & Others*** {(2013) 1 SCC 314}, ***Directorate of Enforcement v. Subhash Sharma*** {2025 INSC 141}, ***Gautam Navlakha v. National Investigation Agency*** {Cr.A. No.510/2021, decided on 12.05.2021}. judgment of Kerala High Court in ***Biswajit Mandal v. Inspector Narcotic Control Bureau*** {2025 SCC OnLine Ker 6017} and judgment of Delhi High

Court in ***Sandeep Kumar v. The State Govt. of NCT of Delhi*** {WP (Crl.) No. 2189/2018, decided on 12.12.2019} and a decision of the Punjab & Haryana High Court in ***Pranav Gupta v. Union of India & Another*** {2023 SCC OnLine P&H 3598}.

8. On the other hand, Mr. Praveen Das, learned Additional Advocate General appearing for the State/respondent No. 1 would that the present petition proceeds on a fundamentally false premise that the petitioner was illegally arrested from Rohtak on 28.06.2026. This was a lawful field-tracking procedure undertaken to investigate a large, organized, inter-State cyber-fraud and money-laundering syndicate. As of date, the investigation has revealed that the fraudulent proceeds, layered through illegal trading applications, payment gateways, and crypto currency wallets, exceed Rs. 1000 crore. All procedural safeguards pertaining to arrest and detention, as mandated by the Constitution of India and the BNSS have been strictly and scrupulously complied with in letter and spirit. The petitioner's liberty was at no point illegally curtailed as his initial transit from Delhi to Chhattisgarh was entirely voluntary and undertaken pursuant to his own written request endorsed upon the notice served under Section 35(3) of the BNSS, after he was let off in the presence of his brother via a written memo with the condition to comply with the notice and to make himself appear before the investigating officer of the case on the date mentioned. However, the petitioner himself requested to travel and accompany the police officials in the vehicle arranged by them for their departure back to Chhattisgarh from Delhi, owing to his own logistical and financial constraints. Hence, despite his temporary let off after serving him notice under Section 35(3) of BNSS, the petitioner accompanied the police officials voluntarily on his own request to join the investigation at Ambikapur, therefore, his formal liberty was never curtailed during the transit, which is evident from the handwritten

endorsement made by the petitioner in the Section 35(3), BNSS notice. The petitioner's voluntary arrival at the Range Cyber Police Station, Ambikapur on 30.06.2026, again owing to his own financial and logistical difficulties he chose to appear on 30.06.2026 before the respondent No. 2 for cooperating in the investigation before the date prescribed in the notice. Thereafter, during the course of investigation, cogent and credible evidence regarding his involvement was found in the subject crime in question, and in view of the provisions under Section 35 (5) of the BNSS, after recording reasons in writing and supplying the notice of grounds of arrest to the petitioner in light of Section 47 of the BNSS, thereafter, the petitioner's formal arrest was effectuated at the Range Cyber Police Station, Ambikapur, on 30.06.2026 at 10:55 a.m. Further, a telephonic intimation was provided to his brother, Mr. Hunny Anand, and a written information of arrest was also prepared in support of the same, thereby fulfilling the statutory mandate of Section 47 of the BNSS and the constitutional safeguards under Article 22(1) of the Constitution of India. The petitioner was produced before the learned JMFC, Ambikapur, on the very same day at 4:50 p.m., within the twenty-four-hour statutory window required under Article 22(2) of the Constitution and Section 187 of the BNSS. The learned JMFC, Ambikapur, after a meticulous perusal of the case diary and the aforesaid records, recorded a categorical judicial finding validating the legality of the procedure adopted by the investigating agency. As such, the petition being devoid of merit, deserves to be dismissed.

9. Mr. Das would further submit that the ongoing investigation has unearthed substantial electronic and material evidence linking the petitioner to an inter-state cyber-fraud and *hawala* syndicate. The petitioner was not at all illegally or unlawfully apprehended from Rohtak on 28.06.2026 or held captive. The narrative presented by the petitioner is a deliberate distortion.

As firmly established by the official case diary and general diary entries, the field team's actions were fully transparent and coordinated with local law enforcement. The petitioner's transit to Chhattisgarh was entirely voluntary, undertaken upon his own written request and with the full consent of his family, strictly to comply with a notice issued under Section 35(3) of the BNSS. The ongoing investigation, duly detailed in the remand form submitted to the learned JMFC, Ambikapur clearly reveals that the petitioner worked as a primary *hawala* cash carrier for the main accused, Anshul Ginotra and Garvit Jain. He was instrumental in physically moving defrauded funds, subsequently converted into crypto currency (USDT) using platforms like 'Bybit' to launder the proceeds of the "Money Trade 365" and "Smart trade 365" Dabba-trading scams and others. Summarily, his *modus operandi* involved physically collecting cash, which was subsequently converted into crypto currency (USDT) and remitted to foreign jurisdictions.

10. Mr. Das would next contend that the allegations of illegal abduction are entirely false and demonstrably contradicted by police records. The Chhattisgarh Police team arrived at Police Station Sadar, Rohtak, and formally registered their arrival vide GD Entry No. 033 dated 28.06.2026 at 16:07 hours. Upon questioning the petitioner, he voluntarily disclosed information regarding co-accused Vishnu Pandit. The team recorded their departure from Rohtak vide GD Entry No. 049 dated 28.06.2026 at 22:57 hours, explicitly noting that the petitioner was being taken to Delhi for further questioning regarding other suspects, and importantly, noting that the petitioner's father, Mr. Vijay Kumar, was informed and present at the Police Station. As the team departed, the mobile number of the suspect/accused Vishnu got switched off. The team subsequently proceeded to Shamli, Uttar Pradesh, to trace another co-accused, Nischint

Vats, formally registering their arrival at Police Station, Shamli vide GD Entry No. 021 dated 29.06.2026 at 09:33 hours. The entire operation was conducted with complete transparency and due intimation to local jurisdictional police. The claim of the petitioner that he was held captive by respondents No. 2 and 4 is totally false as they were engaged in tracing another accused and were not present in Delhi but performing their duties in Chhattisgarh. The father of the petitioner Mr. Vijay Kumar was having information regarding the presence of the petitioner along-with the police team at Delhi as reflected in the General Diary entry. The averments regarding the events in Delhi are a blatant suppression of facts. The field team reached Delhi on the morning of 29.06.2026. The petitioner's brother, Mr. Hunny Anand arrived at the location, who was continuously in contact with the respondent No.3. A detailed formal notice dated 29.06.2026 under Section 35(3) of the BNSS was served upon the petitioner to appear before the Investigating Officer on the date fixed i.e. 05.07.2026. After the acceptance of the notice under Section 35(3) of the BNSS by the petitioner, he was let off temporarily in the presence of his brother Mr. Hunny Anand, who personally signed a memo explicitly stating that the petitioner have been let off by the police team with direction to appear before the concerned Investigating Officer for cooperating in the investigation. Due to logistical difficulties, the petitioner's family requested that the petitioner was willing to travel along with the police team in the private vehicle to Ambikapur to comply with the notice under Section 35(3) of the BNSS. Thereafter, the petitioner explicitly recorded his willingness and requested in his own handwriting on the receipt of the Section 35(3) BNSS notice, stating: "*Main prakaran mein sahyog karne hetu swayam ki iccha se aapke saath chalna chahta hu*" (I want to travel with you, at my own free will to cooperate in the investigation). Even though the petitioner

was asked to appear before the investigating officer on 05.07.2026 due to his own constraints and willingness to travel instantly with the police team in the private vehicle, he himself voluntarily travelled with the police party and this fact was in full knowledge of the family members of the petitioner. A similar voluntary endorsement was made by co-accused Nischint Vats on similar grounds. Therefore, the allegations of captivity are malicious falsehoods. After the request of the petitioner, the police team, after informing the respondent No. 2, allowed the petitioner to board and travel with them.

11. Mr. Das would next submit that the respondent No. 2 was not in contact with the petitioner, his family members or anyone else so connected. Hence, there is no chance of him informing regarding the production of the petitioner before the learned Dwarka Court, Delhi). Regarding the calls from Advocate Mr. Manmeet Singh, an unknown caller bearing mobile number +919999056998 contacted the Investigating Officer via WhatsApp at 3:54 PM on 29.06.2026. The respondent no. 2 apprised the said caller regarding the departure of team from Delhi and duly informed him regarding the progress in the matter despite him not producing any documentary authorization on behalf of the petitioner. The respondent No. 2 being engaged in other official duties, upon receiving a WhatsApp call from the above-mentioned caller at 4:12 p.m., responded with default message that "I'll call you later" and later at 5:25 p.m. answered his call and duly responded to the queries. The claim of the petitioner that his family had no information regarding his whereabouts and that he was illegally detained are demonstrably false, self-contradictory, and constitute a deliberate attempt to mislead this Hon'ble Court. In the email dated 29.06.2026 sent by their counsel, Mr. Manmeet Singh, to the DGP, Chhattisgarh, it is explicitly stated that the petitioner was taken into custody

in connection with FIR No. 003/2025 pertaining to alleged online fraud through the platforms, in a specific car bearing registration number CGG 15 EG 9706. The family's knowledge of the exact make and registration number of the specific private vehicle being used by the Chhattisgarh Police team completely demolishes the claim that the petitioner was abducted to an "undisclosed location" without their knowledge. It unequivocally proves that the family had met the officers, were fully briefed on the transit, were aware of the exact vehicle the petitioner was boarding, and had themselves consented to this voluntary travel arrangement due to their financial inability to arrange independent transport. So far as production of the petitioner beyond the statutory period of 24 hours or that grounds of arrest were withheld, as the petitioner was traveling voluntarily on his own request to join the investigation, his formal liberty was never curtailed during the transit. As the petitioner himself reached Ambikapur voluntarily on 30.06.2026 owing to his own logistical and financial constraints, after reaching at the concerned Police Station, he appeared before the respondent No. 2 and thereafter, during the course of investigation, the Investigating Officer found certain strong incriminating materials against the petitioner connecting him to the present case. Thereafter, the investigating officer has recorded the memorandum statement of the petitioner and made the seizure of his mobile phone. Thereafter, since there were strong incriminating materials against the petitioner, the respondent No.2 after being fully satisfied that the petitioner has committed a cognizable offence punishable with imprisonment for a term which may extend to more than 7 years, rightfully arrested the petitioner in light of Section 35 (1)(c) of the BNSS at the Range Cyber Police Station in Ambikapur on 30.06.2026 at 10:55 a.m., as clearly documented in the Arrest Memo. Furthermore, the incriminating evidence

in the present case was such which could have been destroyed or tampered with by the petitioner and also owing to the fact that on such allegation offence under Section 238 of the BNS, 2023, (causing disappearance of evidence of offence, or giving false information to screen offender) has been added subsequently against the other co-accused, the arrest of the petitioner was felt imminent and necessary and therefore, he was lawfully arrested. The learned JMFC, Ambikapur on the same day at about 04:50 p.m. much within the 24-hour timeline as mandated under Section 58 of the BNSS and Article 22 (2) of the Constitution of India. The formal "Notice of Grounds of Arrest" under Section 47 of the BNSS detailing the ground of arrest was provided to the petitioner, signed by him, and an information of arrest was conveyed telephonically to the brother of the petitioner, Mr. Hunny Anand (Mobile No. 9253870081).

12. Mr. Das would next contend that the reliance on the proceedings before the learned Special Judge (PC Act) CBI, Rouse Avenue Courts, Delhi, is misconceived. The complaint under Section 175(3) BNSS was instituted by Advocate Mr. Manmeet Singh on behalf of the other co-accused 2 days after the date on which the police party has taken against the present petitioner. It is submitted that the said complaint under Section 175(3) of the BNSS arises from an earlier baseless, false and fictitious allegations made to the Director, CBI on 08.06.2026, which was lodged on behalf of the other co-accused and which has no bearing to the petitioner in question as admittedly the petitioner has been arrested only on 30.06.2026. The petition has been duly replied to as directed by the learned Rouse Avenue Court. This is a calculated act of forum-shopping intended to create pressure on the investigating machinery and derail the investigation into a syndicate that has laundered vast sums of money. The actions of the investigating team have been strictly within the bounds of the law, and such

extraneous complaints have no bearing on the legality of the petitioner's arrest and such false allegation clearly reflects the malicious intent on behalf of the petitioner to tarnish the image of the police officials. The respondents placed the complete, unedited Case Diary (including the 192 BNSS entries), tracking logs - General Diary entries from Rohtak and Shamli, the signed memos, and the petitioner's handwritten request on the Section 35(3) BNSS notice before the learned JMFC, Ambikapur. Moreover, at the time of remand hearing, the details such as the seizure of the mobile phone, memorandum of the accused were also produced. The learned Magistrate granted Police Remand when sought (and subsequently judicial remand till 28.07.2026) only after a meticulous perusal of this voluminous documentary evidence, which clearly established the legality of the procedure adopted by the police and the necessity of custodial interrogation. The learned Court passed a reasoned order after a thorough examination of the records. At the time of making investigation in the matter, all the procedural formalities have been complied in accordance with law, akin to the petitioner, with respect to the co-accused Nischint Vats. However, till date, the allegation of illegal detention has not been raised by the said co-accused, which itself shows that false and frivolous allegations of illegal arrest is being made by the petitioner which is nothing but an afterthought. In view of the detailed submissions and the unimpeachable documentary evidence placed on record, the petitioner is not entitled to any of the reliefs claimed in paragraph 10.1 to 10.3 of the Writ Petition. The present writ petition is a gross abuse of the process of law, predicated on the active suppression and misrepresentation of material facts. Therefore, the same is liable to be dismissed with exemplary costs. In support of his contentions, Mr. Das would place reliance on the decisions of the Apex Court in ***Directorate of***

Enforcement v. Deepak Mahajan & Another {(1994) 3 SCC 440} and ***Sundeeep Kumar Bafna v. State of Maharashtra & Another*** {(2014) 16 SCC 623}.

13. It has been informed by the learned counsel for the petitioner that the petitioner had preferred an application for regular bail before the learned trial Court which has been rejected upon which a query was put by this Court to the learned counsel for the petitioner as to why the petitioner had not availed the remedy of seeking regular bail before the competent Court and had instead invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, learned counsel for the petitioner submitted that the grievance raised in the present petition pertains not merely to the petitioner's detention, but to the alleged infringement of his constitutional rights concerning his personal liberty . It was contended that the petitioner was never afforded a meaningful opportunity to seek anticipatory bail, inasmuch as, even before the period stipulated in the notice issued under Section 35(3) of the BNSS had expired, he was arrested by the investigating agency. According to the learned counsel, such action has resulted in a serious infraction of the petitioner's right to personal liberty and, therefore, the petitioner has invoked the writ jurisdiction of this Court seeking appropriate relief.
14. We have heard learned counsel appearing for the parties, perused the pleadings and materials available on record with utmost circumspection.
15. The principal issue that falls for consideration is whether the petitioner was deprived of his personal liberty on 28.06.2026 itself, as alleged by him, or whether he voluntarily accompanied the investigating agency till his formal arrest on 30.06.2026, as asserted by the State. The answer to this issue determines the legality of the subsequent remand orders.

16. Article 21 of the Constitution guarantees that no person shall be deprived of his personal liberty except according to procedure established by law. Article 22(2) further mandates that every person arrested shall be produced before the nearest Magistrate within twenty-four hours of such arrest, excluding the time necessary for the journey. Section 187 of the BNSS embodies the same constitutional safeguard. Equally well settled is the principle that where an investigating agency apprehends a person outside its territorial jurisdiction and intends to transport him to another State, it is ordinarily required to obtain a transit remand from the nearest Magistrate, unless the facts unmistakably demonstrate that the person was not under any form of restraint and had voluntarily accompanied the police. The respondent/State has sought to justify the absence of transit remand on the plea that the petitioner voluntarily accompanied the police after being served with a notice dated 29.06.2026 under Section 35(3) of the BNSS. This contention, however, does not inspire confidence.
17. The admitted factual position is that the petitioner was taken from his residence by the police party, remained continuously with the police from the evening of 28.06.2026 till his production before the Magistrate on 30.06.2026, travelled across several States in the company of police personnel, and was throughout under their control and supervision. The alleged voluntariness of such travel has to be viewed in the backdrop of the unequal position occupied by a citizen confronted by a police party investigating a serious criminal offence. Mere endorsement on a notice, particularly when made while the person is already under police control, cannot by itself establish that he was free to decline the request or to proceed independently. The surrounding circumstances indicate effective

restraint on the petitioner's liberty notwithstanding the respondents' description of the arrangement as voluntary.

18. The constitutional guarantee contained in Article 22(2) cannot be defeated by postponing the formal preparation of an arrest memo. The expression "arrest" occurring in Article 22(2) cannot be construed in a narrow or technical sense. The constitutional protection becomes operative from the point of time when an individual's liberty is substantially curtailed and he is placed under the control of the police. Acceptance of the respondents' submission would enable the investigating agency to keep a person in its exclusive custody for an indefinite duration under the guise of voluntary cooperation and thereafter prepare a formal arrest memo at a time convenient to it, thereby rendering the constitutional safeguard illusory. Such an interpretation cannot be countenanced.
19. With respect to the right to be informed about the In **Vihan Kumar** (supra), the Apex Court, observed as under:

“12. This Court held that the language used in Articles 22(1) and 22(5) regarding communication of the grounds is identical, and therefore, this Court held that interpretation of Article 22(5) made by the Constitution Bench in the case of Harikisan v. State of Maharashtra, shall ipso facto apply to Article 22(1) of the Constitution of India insofar as the requirement to communicate the ground of arrest is concerned. We may also note here that in paragraph 21, in the case of Prabir Purkayastha, this Court also dealt with the effect of violation of Article 22(1) by holding that any infringement of this fundamental right would vitiate the process of arrest and remand. Paragraph 21 reads thus:

“21. The right to be informed about the grounds of arrest flows from Article 22(1) of the Constitution of India and any infringement of this fundamental right would vitiate the

process of arrest and remand. Mere fact that a charge-sheet has been filed in the matter, would not validate the illegality and the unconstitutionality committed at the time of arresting the accused and the grant of initial police custody remand to the accused.”

20. In **Mihir Rajesh Shah** (supra), the Apex Court held as under:

“61. Supplanting the above situation, there may be a case wherein the Investigating Officer has sent a notice for appearance of the accused to join the investigation under Section 41A of CrPC 1973 (now Section 35(3) to 35(6) of BNSS 2023) pursuant to which the accused has joined the investigation. The Investigating Officer, after perusal of material available before him and/or on interrogating the accused, makes up his mind that the arrest of the accused person is required for further investigation or has other reason(s) for arrest, in such cases, since the accused is under the supervision of the Investigating Agency and there exists no apprehension of him absconding, it becomes incumbent upon the Police Officer to supply the grounds of arrest in writing on arresting the accused person. This can also be followed, for instance, in cases involving offences which are primarily based on documentary evidence/records, economic offences such as under PMLA where the grounds of arrest in writing be furnished to the arrested person on arrest simultaneously.

xxx xxx xxx

66. In conclusion, it is held that:

66.1. 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);

66.2. The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

66.3. 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.

66.4. 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.”

21. In ***Manubhai Ratilal Patel*** (supra), the Apex Court, with respect to the issue of directing remand of an accused by the Magistrate, observed as under:

*“24. The act of directing remand of an accused is fundamentally a judicial function. The Magistrate does not act in executive capacity while ordering the detention of an accused. While exercising this judicial act, it is obligatory on the part of the Magistrate to satisfy himself whether the materials placed before him justify such a remand or, to put it differently, whether there exist reasonable grounds to commit the accused to custody and extend his remand. The purpose of remand as postulated under Section 167 is that investigation cannot be completed within 24 hours. It enables the Magistrate to see that the remand is really necessary. This requires the investigating agency to send the case diary along with the remand report so that the Magistrate can appreciate the factual scenario and apply his mind whether there is a warrant for police remand or justification for judicial remand or there is no need for any remand at all. It is obligatory on the part of the Magistrate to apply his mind and not to pass an order of remand automatically or in a mechanical manner. It is apt to note that in *Madhu Limaye* (supra), it has been stated that once it is shown that the arrests made by the police officers were illegal, it was necessary for the State to establish that at the stage of remand, the Magistrate directed detention in jail custody after applying his mind to all relevant matters.”*

22. Once it is held that the petitioner had been effectively deprived of his liberty from the evening of 28.06.2026, the respondents were under a

constitutional and statutory obligation to produce him before the nearest Magistrate within twenty-four hours or to obtain a transit remand before transporting him across State boundaries. Admittedly, no transit remand was obtained. The petitioner was produced directly before the learned JMFC, Ambikapur only on 30.06.2026. The continued detention of the petitioner during the intervening period was, therefore, *dehors* the mandate of Article 22(2) of the Constitution and Section 187 of the BNSS.

23. The FIR was lodged on 22.07.2025 at Cyber Police Station, Range Surguja, Ambikapur, on 22.07.2025. The petitioner was apprehended by the Chhattisgarh Police on 28.06.2026 without any notice, warrant or judicial sanction and further they travelled various States without there being any transit remand. The notice under Section 35(3) of the BNSS (Annexure R/5) was issued by the Station House Officer, Ranger Cyber Police Station, Surguja, to the petitioner on 29.06.2026 wherein the petitioner was directed to appear on 05.07.2026 at 10:00 a.m. The alleged endorsement made by the petitioner on the said notice that he himself wants to accompany the police authorities can in no stretch of imagination be considered to be voluntary as the petitioner was under the custody of the Police from 28.06.2026 itself. The reason assigned by the respondents that, owing to their own logistical and financial constraints, the petitioner accompanied the police officials is wholly false, baseless, and untenable. The said explanation is a mere afterthought, advanced only to justify the respondents' illegal and arbitrary conduct.
24. On the one hand, the notice under Section 35(3) of the BNSS provided time to the petitioner to appear before the SHO till 05.07.2026 and on the other hand, the petitioner was formally arrested on 30.06.2026 at 10:55 hours in the Police Station itself. Even the alleged *Supurdnama* (Annexure R/4),

which the respondent authorities seek to rely upon to establish that the petitioner was never in their custody and was allegedly handed over to his brother, Hunny Anand, is a fabricated and wholly unreliable document. The said document neither discloses the name or designation of the police official who purportedly handed over the petitioner nor mentions the date, time, or place at which such alleged handing over took place. The absence of these essential particulars renders the document devoid of any evidentiary value and clearly demonstrates that it has been created only to falsely deny the petitioner's illegal custody.

25. Equally significant is the fact that the record does not satisfactorily establish strict compliance with the mandatory safeguards regarding communication of the grounds of arrest at the point when the petitioner's liberty first stood curtailed. The constitutional obligation to communicate the grounds of arrest is not an empty formality but an indispensable safeguard against arbitrary deprivation of liberty. The subsequent service of grounds of arrest after the petitioner had already remained under police control for a considerable period cannot retrospectively validate an otherwise illegal detention. The learned Magistrate, while authorising judicial custody on 30.06.2026 and police custody on 03.07.2026, was required to satisfy itself not merely about the necessity of remand but also about the legality of the arrest and production before him. The remand orders disclose no consideration of the specific objections relating to the absence of transit remand, the alleged illegal detention for more than twenty-four hours, and the constitutional infirmities pointed out by the petitioner. Judicial remand cannot cure an illegal arrest or validate an unconstitutional detention. Once the initial detention is found to be unlawful, every consequential order founded thereon becomes legally unsustainable. The contention of the State that the investigation pertains to a large-scale cyber fraud involving

substantial amounts and organised criminal activity cannot dilute the constitutional guarantees available to every person. The gravity of the allegations may justify a thorough investigation but cannot justify departure from the mandatory safeguards enacted to protect personal liberty. Constitutional rights are not contingent upon the nature of the accusation.

26. In view of the aforesaid discussion, we are of the considered opinion that the respondents failed to comply with the mandatory requirements of Article 22(2) of the Constitution of India and Section 187 of the BNSS. The petitioner's detention from 28.06.2026 till his production before the learned JMFC, Ambikapur on 30.06.2026 was illegal and unconstitutional. Consequently, the remand order dated 30.06.2026 and the subsequent order dated 03.07.2026 granting police custody, being founded upon an illegal detention, cannot be sustained.
27. Accordingly, the writ petition is **allowed**. The orders dated 30.06.2026 and 03.07.2026 passed by the learned Judicial Magistrate First Class, Ambikapur, are hereby quashed. It is declared that the detention of the petitioner from the evening of 28.06.2026 till his production before the learned Magistrate on 30.06.2026 was illegal and violative of Articles 21 and 22 of the Constitution of India and the provisions of the BNSS, 2023.
28. Consequently, the petitioner is directed to be released from custody in connection with Crime No. 3/2025 registered at Police Station, Cyber Police Station, Range Surguja (Ambikapur), District Surguja, for the offences under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita and Section 66D of the Information Technology (Amendment) Act, 2008, upon his furnishing a personal bond in the sum of Rs. 5,00,000/- (Rupees Five Lakhs only) with two solvent sureties of the like amount each, to the satisfaction of the trial Court concerned, out of whom one shall be a local

surety and the other shall be a member of the petitioner's family. The petitioner shall also surrender his passport, if he possesses one, before the trial Court concerned and shall not leave the country without obtaining prior permission from the said Court. The petitioner shall appear before the Investigating Officer and the trial Court as and when required and shall cooperate with the investigation and the subsequent proceedings. It is made clear that this order shall not preclude the investigating agency from proceeding with the investigation in accordance with law or from taking such lawful steps as may be permissible under the BNSS, subject to due compliance with the constitutional and statutory safeguards.

- 29.** Before parting, it is clarified that the observations made herein are confined to the adjudication of the legality of the petitioner's arrest, detention and remand and shall not be construed as an expression of opinion on the merits of the allegations in the FIR, which shall be considered independently during the course of investigation or trial. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Head Note

A remand order founded upon an illegal or unconstitutional detention cannot be sustained in law. Judicial remand does not cure the illegality of the initial arrest or detention, nor can it validate a violation of the constitutional and statutory safeguards governing arrest and personal liberty.