



2026:AHC-LKO:64598-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

HABEAS CORPUS WRIT PETITION No. - 279 of 2026

Karolyn @ Caroline Kharnaioir Thru. Her Father Paramjit Singh Chhabra
and others

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Home Lko. and others

.....Respondent(s)

Counsel for Petitioner(s)	: Sagar Singh, Ishan Baghel
Counsel for Respondent(s)	: G.A.,

Reserved on 17.08.2026

Delivered on 15.09.2026

A.F.R.

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.**

1. Heard, Sri Ishan Baghel, learned counsel for the petitioners and Sri Anant Pratap Singh, learned AGA along with Sri Girjesh Dwivedi, learned AGA.
2. This Habeas Corpus Writ Petition has been filed by the petitioners, namely, Karolyn @ Caroline Kharnaioir, Celiona Syiemlih @ Celiona Kharnaioir, V. Malswamutuwangi, Sushmita Datta, Riya Lamba, Muskan Lamba, Terisha Magar Thapa, Apsara, Susmita Chakravarti, Nikita Thapa, Ankita Chhetri, Alice, Pooja Das and Amandeep Kaur @ Amandeep Kaur Chhabra under Article 226 of the Constitution of India, challenging their arrest as illegal and unlawful on various grounds with following prayers:

- (i) Issue a writ, order or direction in the nature of Habeas Corpus, thereby commanding the Respondent(s) to forthwith release the petitioners, from the unlawful custody;
- (ii) Quash/Set Aside the remand order dated 02.07.2026, passed by the Learned Remand Magistrate, Lucknow, in relation to FIR No.-0078/2026, U/s 3(5), 61 (2), 318(4), 319(2), 336(3), 337,338,339, 340(2) BNS & U/s. 66C & 66D IT Act & U/s. 42(2) Telecommunication Act, PS- Cyber Crime, District-Lucknow, (Annexure No.03) or any such order passed in pursuance of the arrest of the petitioners declaring the arrest illegal;
- (iii) Issue a writ, order or direction in the nature of Mandamus, summoning the entire case, relevant General Diary and the arrest memo;
- (iv) Direct the Respondents to pay compensation to the detenues, for their failure to protect the fundamental liberty of the detenues, which is guaranteed under the Constitution of India;
- (v) Issue, any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in favour of the Petitioners/detenues, and
- (vi) Award the cost of the instant Writ Petition in favour of petitioners/detenues.

Factual Matrix

3. The brief facts of the case to decide the issue of illegal detention in the instant petition are as follows:-

(i) On 30/06/2026, Sub-inspector Prashant Kumar Verma received information from a secret informer that an illegal and fraud cyber call centre was operating from 11th floor of the Summit Building, Vibhuti Khand, Lucknow, where foreign nationals were being made target of cyber fraud, therefore, the officials decided to conduct a raid on the alleged illegal call centre and for this purpose, some additional force was called for assistance in the raid.

(ii) When Sub-Inspector Prashant Kumar Verma, along with other members of the police force raided the call centre at about 10:30 PM on 30.06.2026, they found that several persons were conjointly running a fake call centre through which they obtained personal bank details of the foreign nationals and duped them of their money while impersonating as member of United State

Treasury, Federal Trade Commission, United State District Court, FBI, etc.

(iii) It is alleged that the said call centre had three teams, namely, dialler, banker, and closure. The call centre even had vendors residing in the United States collaborating in the cyber fraud. The manager and the operation manager through a WhatsApp group, namely Maha Kumbh, used to send these vendors FAS based toll-free number and the vendors used to send pop-up messages to the mobile phones and laptops of U.S. citizens. In these messages, the Centre used to be projected as a popular company of USA, including Amazon, Microsoft and Netflix, etc. When the receiver of pop-up message used to call the toll-free number displayed, the dialler team used to receive calls and tell the caller that their account was hacked or was used for unauthorized transactions. Thereafter, the call used to be forwarded to the bank team. This banker's team used to tell the callers that their account can be permanently blocked or their information can be used on the dark web and under the pretext, the banking team used to obtain information about the balance available in the bank accounts of the callers. Lastly, the closure team used to come into the picture for the purpose of redressal of the issue, pretending to be officials/magistrates of the Federal Trade Commission, FBI, U.S. District Courts, etc. Moreover, they used to produce forged court orders and official documents in the name of government agencies and in this process, fraudulently obtained the entire balance available in the victims' bank accounts. If the bank balance was found to be of a small value, then the money was obtained in the form of a gift card and if the value was found to be large, then the money was converted into crypto and received in a wallet. Moreover, in the WhatsApp group, the QR code for transferring the crypto was also shared. If the caller had money in physical form or gold, then it was made to be parceled to the agent of the company residing in the USA. The money was received through

the medium of *Hawala*, and the entire money obtained from the cyber fraud was managed by Vineet Sharma, who was the owner of the said call center, and one individual named Charles.

(iv) A total of 119 persons, including men and women, were found involved in the above activities on the spot, for which no explanation was offered by any of them and they rather apologized. While conducting the search, 103 laptops, 99 mouse, 116 headphones, 111 laptop chargers, 68 iPhones, 109 individual mobile phones, which were deposited by the employees before entering into the call centre, one biometric machine (Tenda Company), and routers were taken into custody. A sample seal was prepared and entire material seized from the spot was sealed.

(v) All the 119 persons were arrested, including the petitioners, on 01.07.2026. Out of them, 92 were men and 27 were women. Most of them belong to North-Eastern states of India and had been working in the said call centre.

(vi) The short videography of raid was recorded. The entire incriminatory material was seized by the police and sealed on the place of occurrence itself. The seizure was recorded in video by Head Constable Santosh Kumar, Cyber Crime Cell. The recovery memo was prepared by Sub-Inspector Prashant Kumar Verma at the place of occurrence in presence of petitioners and other co-accused as well as witnesses and was read over to the accused, who signed the recovery memo, a copy of which was provided to each of the accused including petitioners. The respective entry of recovery memo was done in the general diary of the concerned police station.

4. The first information report was lodged vide case crime no. 0078/2026 on 01.07.2026 at about 21:20 hours under Sections 3(5), 61(2), 318(4), 319(2), 336(3), 337, 338, 339 and 340(2) of Bharativa Nyaya Sanhita, 2023 (hereinafter referred to as BNS for

brevity) and under Sections 66C and 66D of the information Technology Act, 2000 and Section 42(2) of the Telecommunication Act, 2023 with the aforesaid averments and allegations.

5. The Petitioners alongwith others were arrested for the allegations of commission of the aforesaid offences along with others. The petitioners/arrestees, along with the co-accused, were produced before the Special Chief Judicial Magistrate (Customs), Lucknow, on 02.07.2026 seeking first remand. The Learned Special Chief Judicial Magistrate (Customs), Lucknow, after perusal of the entire record, allowed the application of the investigating officer for judicial remand and sent them to jail.
6. By means of the instant petition, the petitioners have assailed the legality and validity of the arrest of the petitioners alleging that neither the arrest memo was prepared as per the mandate of Section 36 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS" for brevity), nor same was furnished to the arrested persons consisting of specific grounds and reasons of arrest, in accordance with Article 22(1) of the Constitution of India and the provisions of Sections 47 and 48 of BNSS. It has been alleged that the grounds of arrest were never furnished to either arrested persons or their family members, therefore, the mandate of Section 48(3) of BNSS has also not been complied with, which is a straight-forward infringement of their right of being heard against the accusations and natural justice, as guaranteed under Articles 21 and 22 of the Constitution of India. Thus, writ of Habeas Corpus with prayer for declaring the arrest and detention of petitioners to be illegal and for setting aside the remand order dated 02.07.2026 passed by learned Special Chief Judicial, Magistrate (Custom), Lucknow, has been made.
7. The respondents filed a counter affidavit refuting the allegations made in writ petition filed by the petitioners, asserting that the

arrest was in accordance with the provisions of BNSS and the Constitution of India. Paragraph nos. 7-9 of counter affidavit are relevant, wherein it has been specifically stated that the petitioners were informed the grounds of arrest as well as reasons of arrest not only through the memo of arrest, but also through the recovery memo, which was prepared simultaneously to that of arrest memo and well within the due presence and knowledge of the petitioners and other co-accused vide recovery memo, which bears the signature of the accused and copy of which was also received by them. With the above assertions, prayer was made to dismiss the petition.

8. No rejoinder-affidavit has been filed by the petitioners to the counter affidavit filed by the state, therefore, the pleadings in it remained uncontroverted.

Rival contentions of learned counsel for the parties :-

9. Learned counsel for the petitioners submitted that the petitioners were arrested in gross violation of their constitutional safeguards envisaged under Articles 21 and 22(1) of the Constitution of India, as well as Sections 36, 47, and 48 of the BNSS, in following manner:-

- i) The petitioners were illegally detained by the concerned police on 30.06.2026 till the evening of 02.07.2026, which is not disputed in the FIR itself, therefore, the arrest is bad and vitiated for keeping the accused/petitioners in police custody for approximately 36 hours, which is a flagrant violation of the mandate to produce an accused before the magistrate forthwith and within a maximum period of twenty-four hours.

- ii) It has been strenuously argued that neither any arrest memo was prepared at the place of occurrence at the time of arrest of petitioners, nor same was ever furnished to the petitioners at any

point of time including before or after they were produced before learned magistrate for seeking the remand order. Consequently, the petitioners were deprived of their right to know about the reasons and grounds of arrest and no information was given to the family members immediately, thereafter, therefore the arrest of petitioners is patently violative of statutory provisions and in the teeth of the judgments of Apex Court in cases of **Mihir Rajesh Shah Vs. State of Maharashtra**; (2026) 1 SCC 500, **Vihaan Kumar Vs. State of Haryana**; (2025) 5 SCC 799, **Prabir Purkayastha Vs. State (NCT of Delhi)**; (2024) 8 SCC 254 and judgments of co-ordinate Benches of this Court in the cases of **Shivam Chaurasia Vs. State**; *Habeas Corpus Writ Petition No. 47/2026* and **Pritesh Khare Alias Krishna Thru. His Mother Laxmi Khare Vs. State of U.P. and Others**; *Habeas Corpus Writ Petition No.141 of 2026*.

iii) It has also been submitted that at the time of producing the petitioners and other co-accused before learned magistrate concerned, the counsel representing one of the co-accused, namely, Vikram Parmar, moved objections/application opposing the remand on the ground that the remand application is misconceived, illegal, arbitrary and devoid of any cogent or sufficient grounds warranting the remand. It was further alleged that I.O has not disclosed specific recovery remains has been effected and what incriminating material has been recorded, still learned magistrate not only overlooked the objections moved by one of the co-accused rejecting them out rightly, but also failed to follow the guidelines and mandate to verify and record it's satisfaction regarding the necessary requirements of furnishing the arrest memo pertaining to the reasons and grounds of arrest to the petitioners and information to their family members. It has also vehemently been argued that the remand order dated 02.07.2026 was passed by the learned magistrate concerned mechanically and with complete non-application of judicious mind, thereby

violating the fundamental rights under Article 22(1) of the Constitution of India. Regarding the duty of a learned magistrate to consider various aspects of the matter while granting remand, reliance has been placed by the learned counsel on the Division Bench judgment of this Court in the case of **Manjeet Singh Vs. State of U.P. & Others**; *2025 SCC OnLine All 2119*. Thus, the remand order passed by learned magistrate bears serious illegality and warrants interference and liable to set aside.

iv) It has been further emphasized by learned counsel that the acts and conduct of the concerned police officials are highly doubtful, as some of the parents of the arrestees, though received phone calls stating that their child was going to be arrested and directing them to come and meet them, yet, they were not informed about the grounds and reasons of arrest.

v) The ADCP, Commissionerate Lucknow has issued a Press Note No.1 dated 11.08.2026, according to which during review of the police action on the basis of CCTV footage, documents and other evidences, the action has been taken in regard to the suspicious conduct of certain police personnel and for deviation from the prescribed procedure and three police personnel have been sent to lines. Thus, it is apparent that the police has flouted not only prescribed procedure but the law laid down by the Hon'ble Supreme Court and this Court.

vi) Lastly, it was argued that petitioners are working in the said centre as employees, and all of them applied for the job on the naukri.com and on the basis of english speaking skills, they got the appointment in Solaris solutions, as salaried employee and had no knowledge of alleged cyber fraud, whatsoever. With the above contentions, the prayer is to release the corpus being allegedly in illegal custody and setting aside the remand order being based on illegal arrest, by allowing the writ petition in hand.

10. Per contra, learned AGAs vehemently opposed the submissions of learned counsel for the petitioners and made the following submissions:-

(i) The petitioners were arrested on being found to be involved in the offence of cyber crime, operating a fake call centre during night hours in an organized manner, where foreign nationals were made victims of cyber fraud depicting them the Authorities of that country. It is further submitted that on the basis of secret information, the police conducted a raid and during the raid, the police searched and seized the huge number of devices of the petitioners along-with the devices of co-accused Vikram Singh, who is said to be manager of the call centre and Lalit Khairajani, who is said to be operation manager as well as other co-accused, total in number 119 persons. Thus, it was obvious that long time was required for making enquiry and proceeding further for arrest etc.

(ii) In regard to the facts of the case, it has been vehemently argued that as the facts disclosed above, it is apparent that the cyber fraud was being done and the entire money and salary of the accused including the petitioners was received through medium of Hawala and the cyber fraud was managed by Sri Vineet Sharma and one Charles. The files found in the laptop were saved and documented while making it as a part of case diary. On being satisfied pertaining to the trap and to obtain money illegally from innocent victims falling them prey of cyber fraud and further on the basis of documentary and confessional statement of accused, the first information report was accordingly registered against them all. Thus, the evidence in the recovered laptops etc. and the fact that most of the persons including the petitioners found indulged in the aforesaid activity are from the North-East, their arrest was required, otherwise even the proper and prompt investigation cannot be done. Thus, they were arrested after

furnishing the arrest memo and recovery memo mentioning therein the grounds and reasons of arrest. The petitioners have also not denied that the cyber fraud was being done from the said call center. They have only shown ignorance, which in the facts and circumstances cannot be accepted.

(iii) So far as question of furnishing the grounds and reasons of arrest are concerned, it is submitted that the arrest memo and recovery memo were prepared on the place of occurrence itself, simultaneously and copy of the recovery memo consisting of entire details vis-a-vis grounds and reasons of arrest was furnished to every petitioner along-with arrest memo which bears their signatures. It has been submitted that as the reasons and grounds of arrest were duly furnished through recovery memo to the petitioners, therefore, it cannot be said that arrest is illegal and unjustified from any angle and, thus, the writ petition deserves to be dismissed, there being no infirmity in the arrest of petitioners. According to learned AGAs, although the arrest memos do not bear signatures, yet the signatures of the arrested persons were taken on receipt of personal search memo, appended to the arrest memo and since no witness was ready to sign, therefore, it could not be got signed by the witnesses, thus, the personal search memo which is not signed by witnesses, is mere irregularity and the arrest can not be vitiated on this score only as grounds and reasons of arrest have been mentioned in the arrest memo as well as in recovery memo. Thus, there was substantial compliance of providing the grounds of arrest and reasons of arrest. They relied on a judgment and order passed in the case of **Nitin Kumar Singh @ Nitin Kumar Vs. State of U.P. and Others**; *Criminal Misc. Writ Petition No.19091 of 2025* by co-ordinate Bench of this Court at Allahabad. They also rely on **Kasireddy Upendra Reddy Vs. State of Andhra Pradesh and Others**; *MANU/SC/0773/2025*.

(iv) Learned AGAs also submitted that so far as the arguments regarding the role of learned Magistrate in granting remand is concerned, if the statutory provisions have substantially been complied and the grounds and reasons of arrest have been furnished in writing, it cannot be a ground for alleging that arrest is illegal on this ground. Reliance has been placed on **Manjeet Singh vs. State of U.P. & Others; 2025 SCC OnLine All 2119**.

(v) Learned AGAs further submitted that merely because action has been taken against certain employees in shape of suspension for their suspected conduct and deviation from prescribed procedure in some matter, also cannot be said to be a ground to argue that arrest of the petitioners is also illegal.

(vi) It has also been submitted that the appointment letters of the petitioners do not bear the address of company and it also does not disclose the salary and it has said to be confidential and none of the employee could show the proof of payment of salary because the payment was being made from Hawala.

(vii) On the basis of above, learned AGAs submitted that there is no illegality or error in the arrest of petitioners and the petition is misconceived and liable to be dismissed.

Analysis

11. We have considered the submissions of learned counsel for the parties and perused the records.
12. The F.I.R. has been lodged alleging therein that on a secret information of Cyber Crime received from a reliable source, a team was formed, which raided the 11th Floor of Summit Building, Vibhuti Khand, Gomti Nagar, Lucknow on 30.06.2026 at 10:30 PM. In the raid, total 119 persons, which includes males and females, were found working. All of them were questioned regarding activities being carried out by them. During the raid,

huge numbers of laptops, iPads, earphones and other materials, as disclosed above, were found, on which aforesaid persons were working, thus, after getting them opened and examining, the recovered devices were sealed vide recovery memo dated 01.07.2026 in presence of the persons found on the spot including the petitioners and a corresponding entry has been made in the General Diary on 01.07.2026 at 20:10 hours of Police Station Cyber Crime Police Station, District Lucknow East (Commissionerate Lucknow), copies of which have been placed on record as Annexure No.1 to the counter affidavit. Accordingly, the First Information Report was lodged on 01.07.2026 bearing Case Crime No. 0078/2026, under Sections 3(5), 61(2), 318(4), 319(2), 336(3), 337, 338, 339 and 340(2) of BNS, under Sections 66C and 66D of the Information Technology Act, 2000 and Section 42(2) of the Telecommunication Act, 2023, Police Station Cyber Crime, District Lucknow.

13. The fact of raid on the given time and place as well as presence of petitioners alongwith others are not in dispute. This fact is also not in dispute that the electronic equipments were seized and sealed by the raiding party on the spot itself and the petitioners were arrested from the spot alongwith others. The first contention of learned counsel for the petitioners that the petitioners were illegally detained by the concerned police on 30.06.2026 till evening of 02.07.2026 is not sustainable for the reason that looking to the number of persons present on the spot, who were involved in the alleged crime and they were having 103 laptops, 99 mouses, 116 head phones and 109 individual mobile phones, it may certainly have taken time in raid. There is also no dispute between the parties that raid was made on 30.06.2026, at 10:30 PM and all the persons found on the place were advised not to leave the place until the raid and search was completed. The police raid resulted in the recovery of large number of laptops, iPads, headphones, etc. and other incriminating material from the

premises, indicative of a massive, well organized cyber crime enterprise and same was taken into custody and sealed on the spot itself vide the recovery memo and accordingly, the information was given to the police station concerned at 05:00 PM and the FIR was lodged at 09:20 PM on 01.07.2026 with the formal arrest of the persons involved in offence including petitioners and as per case diary, the initial investigation continued till 2:00 PM on 02.07.2026 and thereafter the petitioners along with others were produced before the remand magistrate same day. The allegations of illegal detention beyond 24 hours is not substantiated by the record and is therefore rejected.

14. The recovery memo is said to have been prepared at the place of occurrence in presence of the petitioners, which has been signed by the petitioners and as per recovery memo, copies of the same have also been received by the petitioners as it has been mentioned that after providing a copy of recovery memo to each accused, their signatures are being obtained. The recovery memo has been signed by Sri Prashant Kumar Verma, Sub-Inspector, Cyber Crime Cell, Lucknow as well as other police personnels present on the spot as witnesses. Further, it transpires from the recovery memo that the independent witness, present around the place, were also asked to be witness of the recovery memo, but none of them were ready for the same. Be that as it may, as we are not inclined to discuss the validity and authenticity of recovery memo, as same would somehow be touching merits of case, but the fact remains that recovery memo was prepared contemporaneously to the arrest of accused and arrest memos. The pleadings on record indicates that in the memo of writ petition, receipt of the recovery memo has not been denied and in the counter affidavit, it has specifically been pleaded that the recovery memo alongwith arrest memo was provided to the petitioners and no rejoinder affidavit has been filed controverting the same, therefore, the receipt thereof by the petitioners stands admitted.

15. In regard to the personal search memo appended to the arrest memo, it was argued by learned counsel for the petitioners that the same has been prepared on the pre-signed blank papers and the arrest memo does not bear the signatures of the petitioners. As per arrest memo alongwith personal search memo produced before this Court, at this juncture, it does not appear that the signatures were made prior to the preparation of the papers, however, it may be a matter of scrutiny after evidence.
16. It has next been argued by learned counsel for the petitioners that the arrest memo has been prepared in violation of Section 36 of BNSS and copies of the same have not been provided to the petitioners before their arrest and there is violation of Section 47 of BNSS and even the arrest memo which has been produced before this Court, does not contain the grounds and reasons of arrest, therefore, there was complete violation of the statutory provisions. The arrest memo indicates that the receipt has been taken on the personal search memo under Section 49 of BNSS, which has been appended alongwith arrest memo but there is no receipt on the arrest memo and learned AGAs have fairly admitted that it does not bear the receipt, however, it was argued that it may be an irregularity that the signatures have been taken only on receipt on the appended personal search memo but on account of it, it cannot be said that arrest memo has not been provided. Further, the recovery memo, which contains the grounds and reasons of arrest in detail has also been provided to the petitioners, therefore, the contention of learned counsel for the petitioners is misconceived and not tenable. Perusal of the recovery memo indicates that the laptops and calling mobile phones were examined and upon examination, the queries were made from them, upon which and the recovery affected on spot, the police party found it necessary to arrest the accused persons, accordingly, the following has been recorded in the recovery memo:-

“.....इनके लैपटाप व कालिंग मोबाईल की जांच के उपरान्त इनसे अपराध की प्रकृति के बारे में गम्भीरता से पूछा गया तो इन्होंने बताया कि हमारा एक संगठित गिरोह है, और मुख्य रूप से हम लोग संयुक्त राज्य अमेरिका (यूएसए) के नागरिकों को शिकार बनाते हैं। जिसमें मुख्य रूप से विनीत शर्मा सर्वेसर्वा है, यहाँ पर समस्त कार्य की देखरेख ललित व विक्रम सिंह की देखरेख में हम साइबर अपराध कारित करते हैं। हम लोग अपने बनाये हुए शिकार को विभिन्न तरह से डराते हैं, जैसे चाइल्ड पोर्नोग्राफी, मादक द्रव्यों की तस्करी तथा आतंकी गतिविधियों में लिप्त होने का डर दिखाते हैं, तथा आवश्यकता पड़ने पर उन्हें डिजीटल अरेस्ट भी कर लिया जाता है, डिजीटल अरेस्ट करने के लिए कभी पुलिस कभी नारकोटिक्स विभाग, एफ०बी०आई०, एफ०टी०सी० (फेडरल ट्रेड कमिशन) व मार्शल (अमेरिकन पुलिस) बनकर फर्जी कूटरचित कोर्ट आर्डर, व दस्तावेज बनाकर डराते धमकाते हुए स्वयं को अधिकारी बताते हैं, तथा कई प्रकरणों में अमेजान, वालमार्ट आदि कम्पनियों के सदस्य भी बन जाते हैं, तथा अपने किये हुए शिकार से क्रिप्टोकरेंसी, कोरियर/ पार्सल, नगदी, सोना आदि माध्यमों से पैसा प्राप्त करते हैं। यह विश्वास होने पर यहां मौजूद सभी लोग साइबर अपराध में संलिप्त हैं, तथा ऐसी गतिविधियों से साइबर अपराध कारित कर धन कमा रहे हैं। पकड़े गये 92 पुरुष तथा 27 लड़कियों के बैठने के स्थानों की जामातलाशी में कुल 103 अदद लैपटॉप, 99 अदद माउस, 116 अदद हैडफोन, 111 अदद लैपटॉप चार्जर, 68 अदद कॉलिंग आईफोन, 109 अदद व्यक्तिगत मोबाइल फोन (जो मैनेजर द्वारा एक केबिन में कर्मचारियों के कार्यालय आने से पूर्व जमा करा लिये जाते हैं), 01 अदद बायोमैट्रिक मशीन बरामद हुये। उक्त कॉल सेन्टर के दोनो हॉल को बारीकी से चेक किया गया तो एक हॉल में 02 टैंडा कम्पनी के राउटर तथा दूसरे हॉल में टिपलिक कम्पनी के 02 राउटर तथा हाल में एंट्री करने के लिए वाल पर एक अदद बायोमैट्रिक अटेन्डेन्स हेतु उपकरण लगा है। किचन की तरफ 04 अदद एयरटेल राउटर लगा है, जिसको कब्जा पुलिस में लिया गया। अतः अभियुक्तगणों को निम्न परिस्थितियों के कारण गिरफ्तार किया जाना आवश्यक है। अभियुक्तगण द्वारा पूर्व में काफी समय से ऐसा अपराध किया जा रहा है, तथा पुनः भविष्य में ऐसे अपराध लगातार किए जाने की प्रबल संभावना है, अभियुक्तगण प्रकरण में साक्ष्यों के साथ किसी तरह का छेड़छाड़ कर सकते हैं, अभियुक्तगण मुकदमा उपरोक्त के तथ्य से परिचित किसी भी व्यक्ति को न्यायालय या पुलिस अधिकारी को ऐसे तथ्यों का खुलासा करने से रोकने के लिये धमकी प्रलोभन या वचन दे सकते हैं, अभियुक्तगण विभिन्न प्रदेशों के निवासी हैं, जिनके पलायित होने तथा नियत तिथि पर मा० न्यायालय में उपस्थित नहीं होने की प्रबल सम्भावना है। अभियुक्तगण प्रकरण के अन्वेषण में सहयोग नहीं करेंगे। अभियुक्तगण मामले के सही निष्कर्ष तक पहुंचने के लिये अन्वेषण के उद्देश्य से किसी सुसंगत साक्ष्य को छुपा सकते हैं अथवा नष्ट कर सकते हैं। अतः उक्त परिस्थितियों को देखते हुए अभियुक्तगणों को उनके जुर्म धारा 3(5), 61(2), 318(4), 319(2), 349(4), 336(3), 337, 338, 340(2) बीएनएस व 66सी, 66डी आईटी एक्ट, धारा 42 टेलीकॉम एक्ट-2023 से अवगत कराते हुए दिनांक 01.07.2026 को समय लगभग 17:00 बजे बाजापता माननीय सर्वोच्च न्यायालय व मानवाधिकार आयोग के आदेशों व निर्देशों का अक्षरशः पालन करते हुए महिला अभियुक्तों की गिरफ्तारी म०हे०का० 579 जूली यादव म० हे०का० 168 अंजू, म०का० 4547 शालिनी कटियार, म०का० लज्जा, म०का० 515 दिव्या सिंह द्वारा तथा पुरुष

अभियुक्तों की गिरफ्तार शेष पुलिस टीम द्वारा नियमानुसार की गयी.....”

17. The aforesaid contents of the recovery memo discloses that the grounds and reasons of arrest have been mentioned in the recovery memo. Even otherwise during the arguments, learned counsel for the petitioners could not dispute that grounds and reasons of arrest are mentioned in recovery memo but submits that even then the arrest is illegal as information has not been given to the family members within the stipulated period and there is no corresponding entry in the book maintained at police station, therefore, there is violation of Section 48 of BNSS.
18. In view of above, though the communication of grounds and reasons of arrest stands admitted through the recovery memo, yet an objection was raised that grounds and reasons of arrest were not communicated in accordance with law, so we deem it appropriate to consider as to whether the grounds and reasons of arrest disclosed in the recovery memo, copy of which has been provided to the petitioners, can be said to be sufficient compliance or not. Section 36 of BNSS provides ‘Procedure of arrest and duties of officer making arrest’ and Section 47 of BNSS provides that the ‘Person arrested to be informed of grounds of arrest and of right to bail’. Section 36 and 47 of BNSS are extracted herein below:-

“36. Procedure of arrest and duties of officer making arrest.

Every police officer while making an arrest shall-

(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;

(b) prepare a memorandum of arrest which shall be-

(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;

(ii) countersigned by the person arrested; and

(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend or any other person named by him to be informed of his arrest.

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.”

19. The aforesaid Sections indicate that whenever an arrest is to be made, the police officer making arrest shall prepare a memorandum of arrest, which shall be attested by atleast one witness, who may be a family member or a respectable member of locality where arrest is made and counter signed by the person arrested and if the memorandum is not signed by the family member, then he may get it informed to a relative or a friend or any other person. The arrested person is also entitled to be informed of grounds of arrest and about his right of bail. In this regard, Sub-Section (1) of Section 47 BNSS provides that the persons arresting shall forthwith communicate to the person arrested, the full particulars of the offence for which he is arrested or other grounds for such arrest and under Sub-Section (2) that he is entitled for bail. Thus, upon arrest of a person, a memorandum of arrest is to be prepared and he has to be informed the full particulars of offence for which he has been arrested and other grounds for such arrest. The arrested persons have also right to get it intimated to one of his relative, friend or known person under Section 48 of BNSS. However, the statutory provision does not provide any mode of communication of grounds and reasons of arrest, but it has to be communicated.

20. In **Pankaj Bansal Vs. Union of India**; (2024) 7 SCC 576, the Hon'ble Supreme Court, while explaining the combined effect of Article 22(1) of the Constitution of India read with Section 19(1) of the Prevention of Money Laundering Act, 2002, made the following observations:

"45. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception."

21. In the case of **Prabir Purkayastha Vs. State (NCT of Delhi)** (supra), the Hon'ble Supreme Court, while reiterating the principles laid down in **Pankaj Bansal** (supra), has held that non-compliance of the constitutional requirements under Article 22(1) and 22(5) of the Constitution of India and statutory mandate would lead to the custody or the detention being rendered illegal and rejected the contention of learned ASG that there was no requirement under law to communicate the grounds of arrest in writing to the accused appellant. The relevant paragraphs 30, 31 and 48 are being quoted here under:-

"30. Hence, we have no hesitation in reiterating that the requirement to communicate the grounds of arrest or the grounds of detention in writing to a person arrested in connection with an offence or a person placed under preventive detention as provided under Articles 22(1) and 22(5) of the Constitution of India is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to the custody or the detention being rendered illegal, as the case may be.

31. Furthermore, the provisions of Article 22(1) have already been interpreted by this Court in Pankaj Bansal (2024) 7 SCC 576 laying down beyond the pale of doubt that the grounds of arrest must be communicated in writing to the person arrested of an offence at the earliest. Hence, the fervent plea of learned ASG that there was no requirement under law to communicate the grounds of arrest in writing to the accused appellant is noted to be rejected.

48. It may be reiterated at the cost of repetition that there is a significant difference in the phrase 'reasons for arrest and 'grounds of arrest'. The 'reasons for arrest' as indicated in the arrest memo are purely formal parameters, viz., to prevent the accused person from committing any further offence, for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tempering with such evidence in any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the 'grounds of arrest' would be required to contain all such details in hand of the Investigating Officer which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the 'grounds of arrest' would invariably be personal to the accused and cannot be equated with the 'reasons of arrest' which are general in nature.

(Emphasis added)

22. The ground of arrest are to be furnished to arrested person as early as possible is no longer res integra having been considered by the Hon'ble Supreme Court in case of **Mihir Rajesh Shah Vs. State of Maharashtra** (Supra), wherein Hon'ble Supreme Court considering the case of **Pankaj Bansal** (supra), **Vihaan Kumar Vs. State of Haryana** (Supra) and **Prabir Purkayastha Vs. State (NCT of Delhi)** (Supra), has held in para No. 29 that the requirement to communicate the grounds of arrest or the grounds of detention in writing to a person arrested in connection with an offence or a person placed under preventive detention as provided under Article 22(1) and Article 22(5) of the Constitution of India is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to the custody or detention being rendered illegal, as the case may be. The Hon'ble Supreme Court framed the following questions of law:

"8.1. (a) Whether in each and every case, even arising out of an offence under Indian Penal Code, 1860 ("IPC 1860") now Bharatiya Nyaya Sanhita, 2023 (BNS 2023) would it be necessary to furnish grounds of arrest to an accused either before arrest or forthwith after arrest, and

8.2. (b) Whether, even in exceptional cases, where on account of certain exigencies it will not be possible to furnish the grounds of arrest either before arrest or immediately after arrest, the arrest would be vitiated on the ground of non-compliance with the provisions of Section 50 of the CrPC 1973 (now Section 47 of BNSS 2023)."

23. In answering the aforementioned questions, the Hon'ble Supreme Court made the following directions:

"55. This Court is of the opinion that to achieve the intended objective of the constitutional mandate of Article 22(1) of the Constitution of India, the grounds of arrest must be informed to the arrested person in each and every case without exception and the mode of the communication of such grounds must be in writing in the language he understands.

56. It would not be out of context now to refer to an obligation which has been imposed on a person making arrest, as provided under Section 50A read in relation to Section 50 of the CrPC 1973 (now Section 48 and 47 of BNSS 2023 respectively). to inform the arrestee of his right to indicate his relative, friend or such other person for the purpose of giving information with regard to his arrest. Simultaneously, a duty has also been cast on the person making arrest to forthwith thereafter inform of such arrest with reasons and the place where the arrested person is being held to the such indicated person. The police officer/person making any arrest shall make an entry of the fact as to who has been informed of such an arrest in a book to be kept in the police station. Further protection in this regard is reflected when a duty has been cast on the magistrate to satisfy himself, when the arrestee is produced before him, that the above requirement stands complied with. This requirement is in addition to the rights of an arrestee to be made aware of the grounds of arrest.

57. The second issue which requires consideration is when grounds of arrest are not furnished either prior to arrest or immediately after the arrest, would it vitiate the arrest for non-compliance of the provisions of Section 50CrPC (now Section 47 of BNSS 2023) irrespective of certain exigencies where furnishing such grounds would not be possible forthwith.

58. It is by now settled that if the grounds of arrest are not furnished to the arrestee in writing, this non-compliance will result in breach of the constitutional and statutory safeguards hence rendering the arrest and remand illegal and the person will be entitled to be set at liberty. The statute is silent with regard to the mode, nature or the time and stage at which the grounds of arrest has to be communicated. Article 22 says “as soon as may be” which would obviously not mean prior to arrest but can be on arrest or thereafter. The indication is as early as it can be conveyed. There may be situations wherein it may not be practically possible to supply such grounds of arrest to the arrested person at the time of his arrest or immediately.

62. We thus hold, that, in cases where the police are already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest. However, in exceptional circumstances such as offences against body or property committed in flagrante delicto, where informing the grounds of arrest in writing on arrest is rendered impractical, it shall be sufficient for the police officer or other person making the arrest to orally convey the same to the person at the time of arrest. Later, a written copy of grounds of arrest must be supplied to the arrested person within a reasonable time and in no event later than two hours prior to production of the arrestee before the magistrate for remand proceedings. The remand papers shall contain the grounds of arrest and in case there is delay in supply thereof, a note indicating a cause for it be included for the information of the magistrate

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."

(Emphasis added by court)

24. A bare perusal of the aforesaid judgments of the Hon'ble Supreme Court as mentioned above, it is clearly emerged that furnishing the grounds of arrest to the arrestee is not a mere formality, but is mandatory binding of constitutional safeguards, which has been included in Part-III of the Constitution of India under the head of 'Fundamental Rights.' Further, it has been held that grounds of arrest must be furnished in writing so that the true intention and purpose of Article 22(1) of the Constitution of India, may be attained and in case of non-compliance, it will result in breach of constitutional and statutory safeguard rendering the arrest and detention illegal and the person will be entitled to be set at liberty. Article 22(1) of the Constitution of India is extracted herein below:-

“22(1) - No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.”

25. Reverting back to the facts of instant case, learned AGAs submitted herein above that arrest memo and recovery memo was prepared and provided to the petitioners at the time of arrest itself with the details of grounds of arrest and reasons of arrest as well, whereas the petition has been filed by the petitioners seeking the arrest illegal for not giving the grounds of arrest. We have meticulously examined the first information report vis-a-vis recovery memo prepared on the spot during the raid conducted by the police. Recovery memo is the plinth of first information report of the subjected petition and perusal of the contents of which indicates holistic details of modus operandi adopted by the petitioners to commit the crime, instruments used at the scene and malafide intention to extort money in illegal manner and consequential seizure of the electronic devices. Perusal of counter affidavit to petition filed by learned AGAs, demonstrates that

arrest memo and recovery memo have been prepared by the investigating officer with the case diary. In the arrest memo it is mentioned that the evidence of cyber crime has been found in the recovered devices, therefore, it is apparent that through the arrest memo read with recovery memo, petitioners have come to know about the grounds and reasons of arrest. Hence, from the discussion made here in above, we reached on the conclusion that grounds and reasons of arrest have been communicated to the petitioners as the receipt of recovery memo-has not been put in disagreement or in dispute.

26. The recovery memo specifically indicates that at the time of arrest, the word file pertaining to commission of offence was found open and accordingly the pdf of same was saved. The details are set out in such a way that any person of ordinary prudence can understand them easily, what to say about petitioners, who were found involved in the act or the offence. On the top of same, the details of offences given in recovery memo found place in shape of corresponding entry in general diary after arrest of petitioners and on conclusion of seizure of incriminatory items and documents and consequential sealing without any delay, stamping the accuracy of proceedings. Even otherwise the cyber fraud, which was being committed, has been disputed and the plea has been taken that petitioners did not know, which cannot be accepted in the facts and circumstances of the case.
27. Here, it is sacrosanct to mention that we can't lose sight of the mandates and standards set out by Hon'ble Supreme Court regarding supplying the grounds of arrest to an arrestee, however, in case the grounds of arrest has been furnished to the arrestee in form of a contemporaneous document prepared at the time of arrest, the receipt of which is not disputed, then same may be safely considered not only the mandatory statutory compliance but also to ensure the constitutional safeguard of right to life and

personal liberty, which can not be curtailed without the procedure established by law. In **Mihir Rajesh Shah** (Supra), the Supreme Court specifically refers silence in the statute with regard to the mode, nature time and stage at which the grounds of arrest have to be communicated. Mentioning the exception, the Hon'ble Supreme Court has observed that there may be the situations where in it may not be practically possible to supply the arrested person at time of his arrest or immediately thereafter. Therefore, a balance must be struck between compliance of constitutional and the statutory mandated safeguards, vis-a-vis the effective discharge of lawful statutory law, enforcement of duties and responsibilities cast upon the state agencies.

28. In **Vihaan Kumar Vs. State of Haryana** (Supra), Hon'ble Supreme Court observed that in case a contemporaneous record is prepared mentioning the grounds of arrest, then the entries in the general diary may be used for communication of grounds of arrest if the entries in this regard is found to be incorporated in the general diary. The Hon'ble Supreme Court, in the case of, **State of Karnataka Vs. Sri Darshan Etc.**; *2025 SCC OnLine SC 1702*, per which Hon'ble Supreme Court addressing the issue of ground of arrest observed in para no. 20 that the constitutional and statutory framework mandates that arrested person must be informed of grounds of arrest, but neither provision prescribes a specific form or insists upon the written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.
29. Relying on **State of Karnataka Vs. Sri Darshan Etc.** (Supra), a coordinate bench of this court at Allahabad, in the case of **Nitin Kumar Singh @ Nitin Kumar Vs. State of U.P. and Others** (Supra), also found that failure to incorporate the grounds of arrest in arrest memo, when the same is detailed in simultaneously

prepared and signed recovery memo, is a procedural irregularity and not fatal jurisdictional defect that would lead to the quashing of remand order or arrest.

30. An argument was also advanced that the format of arrest memo has been framed and circulated for furnishing the grounds of arrest to the arrestee in this State of Uttar Pradesh, therefore, non-furnishing of grounds and reasons of arrest on the same would render the arrest illegal. However, in view of aforesaid discussion, it may be only an irregularity and not illegality, which may render the arrest illegal, particularly in the peculiar facts and circumstances of the case in hand, where arrest was a consequence of a raid and a total 119 arrestees were apprehended including petitioners committing cyber fraud, which is detrimental not only to the political, economic and social fabric of the country, but also confidence and trust of the foreign nationals to the country. We also deem it appropriate to notice here that the Government of Uttar Pradesh, in the name of Hon'ble Governor, has framed rules known as 'The Uttar Pradesh Bharatiya Nagarik Suraksha Rules of 2024' (herein after referred as 'Rules, 2024'), in which 'Form No.6(IIF-III) Arrest/Court Surrender Memo' has been framed in Appendix-A, which is not in consonance with the formant for Memo of Arrest prepared in pursuance of an order passed by this Court and law laid down by Hon'ble Supreme Court, therefore, the Rules are required to be amended accordingly and in these circumstances also it may be only an irregularity and not illegality.
31. Applying the law laid down herein above, in the facts of instant case, it is apparent that the police prepared two documents contemporaneously, first is arrest memo with personal seizure memo and second is recovery memo. It is apposite to mention that the law always prioritize the substantial compliance over a procedural or technical compliance, therefore, a technical defect or irregularity in a document may not invalidate the entire

proceeding if the substantial compliance has been made. Here, the circumstances show that the petitioners had come to know the grounds and reasons of arrest by way of arrest memo as well as through recovery memo, which was prepared alongwith memo of arrest and furnished to them spontaneously. The recovery memo also bears the signatures of the petitioners, respectively, which demonstrates not only the acknowledgment of recovery memo, but also knowledge of the grounds of arrest and reasons of arrest mentioned in the said recovery memo to the petitioners, which has also not been disputed by petitioners.

32. Next learned counsel for the petitioners submitted that we accept it, even then the provisions made in Section 48 of BNSS remains uncomplied as the family members/friends/known of the petitioners have not been intimated immediately after arrest and no corresponding entry had been made to this effect by the police and learned Magistrate has also failed to consider about compliance of the mandatory provisions.
33. In view of above, only issue left to be considered in this case is as to whether the provisions of Section 48 of BNSS have been complied or not and if not in totality then, what would be it's effect. Section 48 of BNSS is extracted below:-

“48. (1) Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or mentioned by the arrested person for the purpose of giving such information and also to the designated police officer in the district.

(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.

(4) It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person.”

34. Sub-Section (1), (2) and (3) of Section 48 BNSS is to be complied by police and Sub-Section (4) by the Magistrate, when the arrested person is produced for remand. However, no consequence thereof has been provided and this Court also fails to come across any law under which, for violation of the said provisions, the arrest can be declared to be illegal. Sub-Section (1), (2) and (3) provides that every police officer or other person making any arrest shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or mentioned by the arrested person for the purpose of giving such information and also to the designated police officer in the district and he shall also inform the arrested person of his rights under Sub-Section (1) as soon as he is brought to the police station and an entry to this effect shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.
35. The State of Uttar Pradesh in the aforesaid Rules of 2024, in Rule 25 has made a provision for arrest information booklet, in which it has been provided that one Sub-Inspector of Police is designated in each District Police Control Room and each Police Station to keep himself updated with the names and addresses of the persons arrested and to collect and maintain complete information relating the names and addresses of the arrested persons. It has also been provided that an entry of the fact as to who has been informed about the arrest of such person shall be made in a register to be maintained at the Police Station and in the CCTNS software alongwith such information as may be specified by the Government of India. The Rule 25 is extracted herein below:-

“25. Arrest information booklet.-(1) One Sub-Inspector of Police is designated in each District Police Control Room

and each Police Station to keep himself updated with the names and addresses of the persons arrested and to collect and maintain complete information relating the names and addresses of the arrested persons.

(2) An entry of the fact as to who has been informed about the arrest of such person shall be made in a register to be maintained at the Police Station and in the CCTNS software along with such information as may be specified by the Government of India.

(3) The details of the arrested persons shall be prominently displayed on the general notice board at each Police Station and District Headquarters and also in digital mode.”

36. Adverting to the facts of the present case, the learned AGAs on the basis of counter affidavit had argued that the relatives etc. of the petitioners, to whom they had asked to inform, were informed and a C.D.R. of the calls has been annexed alongwith the counter affidavit. However, he submitted that the corresponding entry into the general diary has not been made. However, it has not been disclosed before the Court that as to who has been designated in the police station concerned to keep the records and as to whether the information has been mentioned in the arrest information booklet or not as provided under the Rules. However, learned AGAs had argued that the C.D.R. showing the calls made to the relatives and friends etc. of the petitioners is on record of the concerned case, which is record of Police Station, therefore, there is sufficient compliance.
37. It is noticed that in the memo of arrest of the petitioners, the names and mobile numbers of the persons nominated by the petitioners, to whom information is to be given, has been disclosed. It is not the case of the petitioners that the persons, to whom the information was to be given, were not nominated by them and the telephone number were not belonging to the person called authentic. However, it is true that the respondents have to place on record or show the entry of such information in the concerned booklet. Thus, the complete compliance of the

aforesaid provision cannot be shown by the respondents. However, it was argued that since the bail applications were filed after the arrest of the petitioners, therefore, it was well within the knowledge of not only the petitioners but their relatives, friends etc., to whom they wanted to get informed. The C.D.R. indicated that the phone calls have been made to the relatives etc. of the petitioners before producing the petitioners before the Magistrate. It is an admitted fact that all the petitioners are residents of North-East and they have failed to give any local address even in the petition and except one petitioner, none of the petitioners have given their local address. Admittedly, the nominated persons upon whom calls have been made, belong to seven sister states of India (North-East), therefore, the information rightly been given through the telephone, which is within time as per law laid down by the Hon'ble Supreme Court also.

38. In **Mihir Rajesh Shah** (Supra), Supreme Court has explained 'forthwith' and observed that such information must be supplied to the arrested person within a reasonable time and in no event later than two hours prior to the production of the arrestee before the magistrate for remand proceedings.
39. In view of above, once, it is established that the petitioners were furnished grounds and reasons of arrest through the recovery memo and the phone calls were made to the nominated persons, therefore, procedural omission or a failure to record the information in the general diary does not automatically render the foundational arrest illegal, in its entirety.
40. So far as first remand order passed by learned Magistrate is concerned, it is necessitated to mention here that at the time of production of accused and seeking the remand, the entire case diary as well as general diary were produced before the magistrate and accordingly the remand Magistrate allowed the remand of the petitioners after perusal of entire material placed by the

investigating agency. Although, the order passed by learned magistrate is on a printed proforma, which appears not having the complete and searching in itself with regards to details and compliance of Sections 47 and 48 of BNSS, however, since the facts of furnishing grounds and reasons of arrest has been established by above detailed discussion, hence, same can not be a ground to hold the arrest illegal. Furthermore, in light of **Vihaan Kumar Vs. State of Haryana** (Supra), even assuming a procedural irregularity or non-disclosing the entire contents required for passing in a remand order, the arrest or remand order does not automatically vitiate the subsequent valid remand order passed by a competent judicial magistrate. One of the petitioner no. 14 namely Amandeep Kaur has been enlarged on bail by this Court and bail applications of others are pending before this Court after rejection from the concerned Courts.

41. In view of above and considering the over all facts and circumstances of the case, the instant petition has been filed on misconceived grounds, which is not tenable, thus, the petition being devoid of merits deserves to be dismissed. Accordingly, the petition is hereby **dismissed**. However, the dismissal of the petition shall not construe any expression of opinion on the merits of the case i.e. bail or trial or any other proceeding.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

Date:- 15.09.2026

Saurabh