



2025:DHC:9770



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 03.11.2025*+ **CRL.M.C. 5309/2025 & CRL.M.A. 22875/2025**

MOHD RAIS @ RAHISH @ MULLAPetitioner

Through: Mr. S.P. Sharma, Mr. Mohd. Asif, Mr. Rajesh Kumar Singh, Mr. Kadir Ali, Mr. Abdus Sayeed and Mr. Arjun, Advocates.

versus

THE STATE (NCT OF DELHI)Respondent

Through: Mr. Akhand Pratap Singh, APP for the State.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The petitioner, by way of present petition, assails the order dated 09.06.2025 [hereafter '*impugned order*'] passed by the learned Additional Sessions Judge-03, West District, Tis Hazari Courts, Delhi [hereafter '*Sessions Court*'] in case arising out of e-FIR No. 01613312024, registered at Police Station Nangloi (Outer), Crime Branch, Delhi. The petitioner also prays that his arrest in relation to the present case be declared as illegal and the initial custody remand order dated 12.11.2024 be also set aside.

2. Briefly stated, the facts of the case are that the present FIR



2025:DHC:9770



was registered on 06.06.2024 at P.S. Nangloi, Delhi, regarding theft of a white Kia Seltos car. On the same day, co-accused Raj Babu @ Akib was apprehended near Sarai Kale Khan Bus Terminal and the stolen vehicle was recovered from his possession. Investigation into the case revealed that co-accused Raj Babu had been stealing cars in Delhi-NCR on the directions of one Khwaja Sharik Hussain @ Sharik @ Sata and one Amir Pasha, both based out of Dubai, UAE, and had supplied about 40–50 stolen vehicles to receivers including co-accused Sumit Jalan. Thereafter, co-accused Sumit Jalan was arrested on 10.09.2024 who disclosed that he had purchased total-loss vehicles from insurance auctions, tampered with their chassis and engine numbers to match stolen cars, and resold them. He also admitted to having received 40–50 stolen vehicles from Raj Babu and having further sold several of those vehicles to dealers in Kolkata; thus, revealing the existence of an organized crime syndicate led by Sharik @ Sata, operating from Dubai, concerning large-scale vehicle thefts across India. Consequently, on 21.09.24, Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 [hereafter ‘MCOCA’] were invoked in the present case after the approval of Competent Authority. Co-accused Sumit Jalan had disclosed that he used to buy stolen vehicles also from one Mohd Rais @ Mulla (petitioner) and he had received several stolen cars from him, which he had further sold to buyers through one Arka Bhattachayra and one Shailendra Shaw @ Raj Shaw. During investigation, the petitioner Mohd Rais @ Rashish @ Mulla was allegedly found to be a member



2025:DHC:9770



of the said syndicate, and was arrested on 12.11.2024. In his statement under Section 18 of MCOCA, he allegedly confessed to having purchased stolen cars from co-accused persons one Shakib Ali @ Gaddu and one Azruddin @ Ajju of Meerut and having later sold them to co-accused persons Sumit Jalan, Raj Shaw, and others at Kolkata. He also allegedly admitted having received payments in his Axis Bank account, an analysis of which revealed transactions of about ₹74 lakhs over the past few years linked to the syndicate's illegal activities. Based on the said allegations and investigation, the charge-sheet in the case was accordingly filed on 24.03.2025, involving Sections 3/4 of the MCOCA, naming the present petitioner.

3. The petitioner herein was arrested on 12.11.2024 and thereafter produced before the learned Sessions Court, pursuant to which he was remanded to seven days' police custody *vide* order of the same date. The petitioner is presently in judicial custody and has previously approached the learned Sessions Court seeking regular bail on three occasions – his first bail application was rejected on 23.04.2025; the second application was withdrawn on 08.05.2025; and the third application was dismissed *vide* the impugned order dated 09.06.2025.

4. In the impugned order dated 09.06.2025, the learned Sessions Court held that the prosecution had failed to establish that the grounds of arrest in writing were communicated to the petitioner either at the time of his arrest or at the time of his remand, thereby



rendering his arrest illegal on that ground. However, the learned Sessions Court further observed that since the charge-sheet had already been filed, the case of the petitioner was of a peculiar nature, and even if he were deemed not to have been formally arrested, his bail application was nonetheless required to be considered on merits in terms of the judgment of the Hon'ble Supreme Court in ***Satender Kumar Antil v. Central Bureau of Investigation: (2022) 10 SCC 51***. Thereafter, upon examining the material on record, the learned Sessions Court proceeded to dismiss the petitioner's application for bail on merits.

5. Aggrieved by the aforesaid findings and dismissal of his bail application, the petitioner has filed the present petition.

6. The learned counsel appearing for the petitioner argues that the petitioner has been falsely implicated in the present case with there being no incriminating material against him. It is argued that the impugned order is erroneous, and legally untenable, since once it had been held in the impugned order that the arrest of the petitioner was vitiated by non-supply of 'grounds of arrest' to him, neither at the time of arrest nor at the time of remand application, and that there had been a breach of the constitutional and statutory right of the petitioner under Article 22(1) of the Constitution of India, the very eventual remand of the petitioner to police custody and thereafter to judicial custody was rendered illegal. It is also contended in this backdrop that the impugned order then could not have proceeded to



examine the petitioner's arrest on merits as per Section 21 of MCOCA or validate the same by observing that the objection to the non-supply of grounds of arrest was raised by the petitioner only pursuant to the filing of charge-sheet. It is argued that filing of charge-sheet cannot be taken as a ground to validate the arrest which is *per se* illegal. Reliance in this regard was placed on the judgments of ***Vihaan Kumar v. State of Haryana*: 2025 SCC Online SC 456** and ***Prabir Purkayastha v. State (NCT of Delhi)*: (2024) 8 SCC 254**. It is also contended that the petitioner's medical situation is critical, and he had also applied for grant of interim bail on that ground, though the same had been dismissed. Further, it is contended that the investigation qua the petitioner stands completed in all material respects and the trial is likely to take considerable time for its conclusion, as 43 witnesses are slated to be examined during the course of trial. Therefore, it is prayed that the present petition be allowed.

7. *Per contra*, the learned SPP appearing for the State submits that the allegations against the accused are serious in nature. It is argued that his role in the alleged offences is active, having participated in the activities of an organised crime syndicate which is engaged in large-scale auto thefts across Delhi and NCR, and having received financial benefits therefrom, as also evidenced by his confession recorded under Section 18 of the MCOCA. Further, it is contended that the impugned order is legally tenable as though the petitioner had not been supplied with a written 'grounds of arrest' at



the time of his arrest, he had been orally informed of the same then, followed by a written intimation of the grounds to him via the remand application served upon him within a period of 24 hours. The remand order dated 12.11.2024 passed by the learned Sessions Court also records that the ‘grounds’ had been ‘perused’. In this light, it is contended that there had been a substantial compliance with the constitutional and legal mandate, manifested under Article 22(1) of the Constitution of India, as well as Sections 47 of BNSS or Section 50 of Cr.P.C. In this regard, reliance is placed *inter alia* on the judgment of **Ram Kishor Arora v. Enforcement Directorate: (2024) 7 SCC 599** of the Hon’ble Supreme Court to contend that intimation of grounds of arrest via remand application amounts to sufficient compliance with the above constitutional and statutory mandate. It is also contended that non-furnishing of written grounds of arrest is not a material irregularity unless a demonstrable prejudice is shown to have been caused to the arrested person from the same. Moreover, it is contended that once the charge-sheet in the case had been filed, the petitioner could not have agitated the issue of non-supply of written grounds to him as a basis to challenge his arrest; instead, his bail application was to be decided on merit, which has been rightly done by the learned Sessions Court in the impugned order. Therefore, it is prayed that the present petition be dismissed.

8. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has perused the material available on record.



9. The issue raised by the petitioner in the present case is that the learned Sessions Court, despite having held in the impugned order that the arrest of the petitioner stood vitiated and was liable to be declared illegal, did not grant him bail. The primary contention of the learned counsel for the petitioner before this Court is that the petitioner was not provided with the *written grounds of arrest* either at the time of his arrest or at the time of his first remand, which, according to him, vitiates his arrest and renders his continued detention illegal. It has, therefore, been prayed that the petitioner be released forthwith.

10. A perusal of the record reveals that the petitioner was arrested by the Investigating Officer on 12.11.2024 and was produced before the learned Sessions Court on the same day, whereupon he was remanded to seven days' police custody. The period of police custody was subsequently extended from time to time. The first order of remand dated 12.11.2024 records that the petitioner was produced from judicial custody after his fresh arrest and that he was represented by a legal aid counsel at that stage. The order further reflects that the Investigating Officer had filed a remand application, submissions on the same were heard, and that the case file, grounds of arrest, reasons for arrest and arrest memo had been perused by the learned Sessions Court. The said order also records that the police custody of the accused was being sought for the purposes of further investigation, tracing members of the organised crime syndicate, and conducting raids at their premises for recovery of equipment used in



2025:DHC:9770



the commission of auto-thefts, among other things.

11. Subsequent to the completion of investigation, the charge-sheet was filed on 24.03.2025. The petitioner thereafter filed three applications seeking regular bail before the learned Sessions Court. His first bail application was rejected on 23.04.2025; the second application was withdrawn by him on 08.05.2025; and the third bail application came to be dismissed by the learned Sessions Court *vide* the impugned order dated 09.06.2025. *Notably*, the first two bail applications were filed on merits, whereas the third application was premised solely on the ground that the petitioner had not been furnished with the written grounds of arrest at the time of his arrest.

12. Before this Court as well, it has been primarily argued on behalf of the petitioner that non-furnishing of *written grounds of arrest* to him either at the time of arrest or at the time of his first remand has vitiated the entire process, including the remand order, thereby entitling him to be released forthwith.

13. To examine the said contention, it is first apposite to refer to the recent decision of the Hon'ble Supreme Court in ***State of Karnataka v. Sri Darshan***: 2025 SCC OnLine SC 1702, wherein the Supreme Court, while referring to its earlier decisions in ***Vihaan Kumar v. State of Haryana*** (*supra*), ***Prabir Purkayastha v. State (NCT of Delhi)*** (*supra*) and ***Pankaj Bansal v. Union of India***: (2024) 7 SCC 576, has clarified that the mere absence of written grounds of arrest does not by itself render the arrest illegal, unless



such omission results in demonstrable prejudice or denial of a fair opportunity to defend oneself. The Hon'ble Supreme Court further observed that the requirement under Article 22(1) of the Constitution of India stands satisfied if the accused is made aware of the reasons and grounds of his arrest in substance, even if the same are not communicated in writing. The relevant observations are as under:

“20.1.1. The learned counsel for the respondents - accused contended that the arrest was illegal as the grounds of arrest were not furnished immediately in writing, thereby violating Article 22 (1) of the Constitution and Section 50 Cr. P.C. (now Section 47 of the Bharatiya Nagarik Suraksha Sanhita). This submission, however, is devoid of merit.

20.1.2. Article 22(1) of the Constitution mandates that *“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”*. Similarly, Section 50 (1) Cr. P.C. requires that *“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.*

20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest - but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

20.1.4. In *Vihaan Kumar v. State of Haryana*, it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in *Kasireddy Upender Reddy v. State of Andhra Pradesh*, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post- *Pankaj Bansal* decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.

20.1.5. While Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.



20.1.6. The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a *prima facie* case. It noted, *inter alia*, that there was no mention in the remand orders about service of memo of grounds of arrest (para 45); the arrest memos were allegedly template-based and not personalised (para 50); and eyewitnesses had not stated that they were present at the time of arrest or had signed the memos (para 48). Relying on *Pankaj Bansal v. Union of India* and *Prabir Purkayastha v. State (NCT of Delhi)*(supra), it concluded (paras 43, 49 - 50) that from 03.10.2023 onwards, failure to serve detailed, written, and individualised grounds of arrest immediately after arrest was a violation entitling the accused to bail.

20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a *prima facie* case. Its reliance on *Pankaj Bansal* and *Prabir Purkayastha* is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not *ipso facto* render custody illegal or entitle the accused to bail.”

14. In ***Kasireddy Upender Reddy v. State of Andhra Pradesh***: 2025 INSC 768 also, it was held as under:

“...The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved.”

15. In light of the above legal position, this Court finds no merit in the argument advanced by the petitioner that the non-supply of



2025:DHC:9770



written grounds of arrest alone renders his arrest illegal. Such contention, therefore, stands rejected.

16. The next question that arises for consideration is whether, in the facts of the present case, the petitioner was otherwise informed of the grounds of his arrest. **It is a matter of record** that the petitioner did not raise the issue of non-supply of written grounds of arrest at any point prior to filing his third bail application in June, 2025, nearly seven months after his arrest in November, 2024.

17. However, it is an admitted position that the petitioner was not served with any separate written grounds of arrest at the time of his arrest, but the State has argued, before this Court as well as before the Sessions Court, that the remand application filed before the Sessions Court and provided to the accused contained sufficient grounds and reasons for arresting the petitioner.

18. In this regard, this Court notes that the learned Sessions Court, in the impugned order dated 09.06.2025, has observed that since the initial remand order dated 12.11.2024 does not expressly record whether the remand application was served upon the accused or his counsel, it must be presumed that it was not supplied and that, consequently, the petitioner was not informed of the grounds of his arrest.

19. This Court, however, is unable to agree with such a conclusion. Although the remand order dated 12.11.2024 does not specifically record that a copy of the remand application was handed over to the



accused or his counsel, it clearly mentions that – *submissions on the said application were heard*, and it also reproduces briefly, the reasons set out in the police custody remand application. Furthermore, the remand order records that the Court had perused the grounds of arrest as well. Once the learned Sessions Court has recorded that the remand application was perused and that submissions thereon were heard, and the accused as well as his counsel were present in court at that time, any alleged non-supply of the remand application could and ought to have been raised then and there before the learned Sessions Court. However, no such grievance appears to have been made at that stage by the accused/petitioner or his counsel.

20. ***More significantly***, even in the impugned order dated 09.06.2025, the submissions recorded on behalf of the accused and the prosecution show that it was never the case of the petitioner that he or his counsel were not served with a copy of the remand application. On the contrary, the argument advanced before the learned Sessions Court, and the case laws relied upon, related to – whether the supply of a remand application itself was sufficient compliance with the requirement of furnishing grounds of arrest in writing. The same is evident from the following paragraphs of the impugned order:

“9. Ld. SPP for State has argued that the grounds of arrest have been communicated to the accused through the initial police custody remand application.

10. Ld. Counsel for the applicant/ accused has referred to the



judgments titled as **Marfing Tamang @ Maaina Tamang v. State** [decided by the Delhi High Court on 04.02.2025], **Kshitij Ghildiyal v. Director General of GST Intelligence** [decided by the Delhi High Court on 16.12.2024], **Pranav Kuckreja v. NCT of Delhi** [decided by the Delhi High Court on 18.11.2024] and **Vikas Chawla @ Vicky vs. State of NCT of Delhi** [decided by the Delhi High Court on 28.03.2025] to contend that communication of the grounds of arrest through the remand application is no compliance of the constitutional and statutory provisions and the grounds of arrest must be communicated to the arrested person forthwith i.e. immediately on arrest.

11. On the other hand Ld. SPP for State has cited **judgments titled as Inder Pal Singh Gaba v. National Investigation Agency** [decided by the Delhi High Court on 29.10.2024] and **Harash Kumar v. State Govt. Of NCT of Delhi** [decided by the Delhi High Court on 30.04.2025] to contend that in case the grounds of arrest are provided by way of the remand application the same is sufficient compliance of the constitutional and statutory provisions. He has also referred to the judgment titled as **Ram Kishor Arora v. Directorate of Enforcement**, [2023] 16 S.C.R. 743: 2023 INSC 1082 to buttress his contention...”

21. Thus, the petitioner’s stand before this Court, claiming that he or his counsel were not served with the remand application, is clearly an afterthought and inconsistent with his earlier submissions.

22. This Court has also perused the remand application that was filed before the learned Sessions Court, which is a three-page document that sets out in detail the nature of the investigation conducted up to that point, the role attributed to the petitioner, the material that had surfaced against him, and the reasons necessitating his police custody. The said application, *prima facie*, sufficiently conveys the grounds and basis of the petitioner’s arrest in relation to the present case.

23. **To sum up**, the record clearly reflects that the petitioner did



not raise any grievance regarding non-supply of written grounds of arrest until his third bail application in June 2025, despite his arrest having taken place in November 2024 and two earlier bail applications having been argued on merits. The proceedings before the learned Sessions Court also show that the petitioner never claimed that he or his counsel were not given a copy of the remand application; rather, his argument was confined to whether supplying the remand application amounted to sufficient compliance with the requirement of furnishing grounds of arrest. It was only after the Sessions Court observed that the record did not expressly mention service of the remand application that the petitioner changed his stance and alleged non-supply of remand application. This belated and inconsistent stand, raised for the first time before this Court, appears to be an afterthought, especially when the record indicates that the petitioner had been adequately informed of the grounds of his arrest during the remand proceedings.

24. Accordingly, the contention of the learned counsel for the petitioner that the petitioner was not informed of the grounds of his arrest, even at the stage of his initial remand, is devoid of merit and stands rejected.

25. *Insofar as the allegations against the petitioner are concerned*, the learned Sessions Court has rightly noted in the impugned order that the material on record discloses his active involvement in an organised crime syndicate engaged in large-scale theft, tampering,



2025:DHC:9770



and resale of stolen vehicles across several States. The investigation revealed that the petitioner, along with co-accused Raj Babu @ Akib, had been stealing high-end vehicles on the directions of Sharik @ Sata and his nephew Amir, both of whom are based in Dubai and alleged to be running the said syndicate. The *modus operandi* involved tampering with the chassis and engine numbers of stolen vehicles to match those of total-loss or accidental cars purchased through insurance auctions, which were then sold to unsuspecting dealers and individuals. The specific role attributed to the petitioner is that he had procured and supplied stolen cars to co-accused Sumit Jalan and others in Kolkata, who further disposed of them through the above mechanism. The bank account analysis of the petitioner reveals several financial transactions with co-accused persons, including receipt of ₹15.40 lakhs from Sumit Jalan, ₹17.52 lakhs from Raj Shaw (through his wife's account), and ₹9.83 lakhs from one Bappa Ghosh, apart from total cash deposits of about ₹74 lakhs over the past four to five years from various parts of the country. The petitioner has not been able to furnish any satisfactory explanation for these transactions. The record also reflects that he is involved in twelve other criminal cases, several of which pertain to offences under Sections 379 and 411 of the IPC. In light of the above material, the learned Sessions Court has rightly observed that there are grave and serious allegations against the petitioner, which *prima facie* indicate his complicity in the operations of the said organised crime syndicate.



2025:DHC:9770



26. Therefore, in view of the foregoing discussion, this Court finds no ground to allow the present petition and grant bail to the petitioner, or order his release by declaring his arrest illegal.

27. The petition alongwith pending application is accordingly dismissed.

28. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

29. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
NOVEMBER 03, 2025/A