

(2025) 04 KAR CK 0415
In the Karnataka High Court, Principal Bench
Case No : Criminal Petition No. 4760 Of 2025

Kalyan Singh

APPELLANT

Vs

State Of Karnataka, By Chikkabanavar P S, Rep. By State
Public Prosecutor, High Court Of Karnataka,
Bengaluru-560001 & Ors.

RESPONDENT

Date of Decision : 09-04-2025

Acts Referred:

Indian Penal Code, 1860 — Section 201, 302, 380, 396, 457

Citation : (2025) 04 KAR CK 0415

Hon'ble Judges : M. Nagaprasanna, J

Bench : Single Bench

Advocate : Umme Salma, Rahul Cariappa K. S

Final Decision : Partly Allowed

Judgement

Hemant Chandangoudar, J

1. The petitioner, who is arrested in Crime No.0063/2024 registered for the offences punishable under Section 125 (a) and 281 of BNS 2023 is before this Court seeking the relief.
2. Primary contention of the petitioner is that, the arrest is vitiated for violation of Article 22(1) of the Constitution of India, as no grounds of arrest was served on the petitioner at the time of arrest.
3. The learned High Court Government Pleader for the respondent - State has placed on record the intimation of grounds of arrest served on the accused under Section 47(1) of BNSS 2023.
4. Perusal of the same indicates that except mentioning the Crime Number and the offences invoked against the petitioner, there are no grounds are disclosed for arresting the petitioner.
5. The Hon'ble Apex Court in the case of Vihaan Kumar -vs- The State of

Haryana & Another, reported in (2025) 2 SCR 424 has reiterated that the requirement of informing the person arrested of the grounds of arrest is not a mere formality, but a mandatory constitutional requirement. Article 22 is included in Part III of the Constitution under the heading of fundamental rights. Thus, it is the fundamental right of every person - who is arrested and detained in custody, to be informed of the grounds of arrest as soon as possible. If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental right of the arrestee as guaranteed under Article 22(1). It will also amount to depriving the arrestee of his liberty, to effectively challenge the arrest. Article 21 of the Constitution states that no person can be deprived of his liberty, except in accordance with the procedure established by law.

6. In the light of the decision of the Apex Court in the aforesaid case, the arrest of the petitioner stands vitiated for violation of Article 22 (1) of the Constitution of India and in such circumstances, the petitioner is entitled to be released from judicial custody.

7. Accordingly, this petition is allowed.

8. The Jail Superintendent of Central Prison, Bengaluru, is hereby directed to release the petitioner-accused forthwith from judicial custody in relation to Crime No.0063/2024, registered by Chikkabanavara Traffic Police Station, Bengaluru City, subject to the following conditions:

- i) The petitioner-accused shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Trial Court within a period of two weeks from the date of his release;
- ii) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- iii) The petitioner shall appear before the Trial Court as and when summoned;
- vii) The Registry is directed to communicate this order to the Jail Authorities concerned forthwith without any delay through e-mail and telephonically.
- (viii) Liberty is reserved to the petitioner to file a petition afresh challenging the chargesheet.