



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



S.B. Criminal Miscellaneous Bail Application No. 4778/2026

Jhabra Ram S/o Shri Bana Ram, Aged About 28 Years, R/o
Nedan, Police Station Sankda Tehsil Pokaran District Jaisalmer
(Rajasthan)
(At Present Confined at Central Jail Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. R.B Sharma Ganthola, Adv.
For Respondent(s) : Mr. Shree Ram Dhakar, PP
Mr. Vinod Meena, SI, SHO, Special
Police Station, Jaipur, (Raj.)
Mr. Chaitanya Prakash, SI, IO, SPS,
Jaipur, (Raj.)

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

- | | |
|---|--------------------------|
| 1. Date of conclusion of arguments | <u>12/05/2026</u> |
| 2. Date on which the judgment was reserved | <u>12/05/2026</u> |
| 3. Whether the full judgment or only the operative part is pronounced | Full Judgment |
| 4. Date of pronouncement | <u>18/05/2026</u> |

Reportable

1. The present bail application has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in connection with FIR No. 01/2026, registered at Special Police Station, District C.I.D. Security, Jaipur Rajasthan, for offences under Sections 3 and 9 of the Official



Secrets Act, 1923 and Sections 152 and 238(b) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the accused-petitioner at the outset has contended that in the instant case mandatory procedural safeguards relating to arrest and communication of grounds of arrest were not duly complied with by the Investigating agency. It is submitted that prior to effecting the arrest of the petitioner, the grounds of arrest were neither furnished nor effectively communicated to him in the manner contemplated under law, thereby resulting in violation of constitutional safeguards guaranteed under Article 21 and 22 of the Constitution of India.

3. It is argued that the right of an accused to be informed of the grounds of arrest is not an empty formality, but a substantive constitutional protection intended to ensure fairness and transparency; non-compliance of such mandatory safeguards renders the arrest legally vulnerable and vitiates the continued detention of the petitioner. In order to buttress his argument, reliance was placed on judgments passed by the Hon'ble Apex Court in the case of:

A. Pankaj Bansal v. Union of India & Ors., (2024) 7

SCC 576;

B. Prabir Purkayastha v. State (NCT of Delhi),

(2024) 8 SCC 254;

C. Vihaan Kumar v. State of Haryana & Anr.,

(2025) 5 SCC 799 and;

D. Mihir Rajesh Shah v. State Of Maharashtra And

Anr., 2025 INSC 1288.

4. Per contra, learned Public Prosecutor has vehemently opposed the bail application and submits that the allegations



levelled against the petitioner are grave in nature and pertain to offences affecting the sovereignty, integrity and security of the nation. It is contended that during investigation, sufficient material has surfaced indicating that the petitioner was in contact with Pakistani handlers through WhatsApp and other electronic modes and was involved in transmission of sensitive information relating to military establishments.

5. Furthermore, with regards to non-supply of grounds of arrest and alleged violation of procedural safeguards is concerned, it is submitted that the concerned court had already recorded the fact that accused petitioner has been made aware about the grounds of arrest through arrest memo, moreover such objection was never raised by the petitioner at the earliest available stage either at the time of remand proceedings or before the Court concerned immediately after arrest.

6. It is further contended that no material has been placed on record to indicate that any prejudice whatsoever was caused to the petitioner on account of the alleged non-supply of grounds of arrest and therefore, the plea sought to be raised at this stage is wholly belated and untenable. In support of the aforesaid contention, reliance has been placed upon the judgment rendered by Hon'ble Apex Court in following cases:-

A. Kasireddy Upender Reddy v. State of Andhra Pradesh, 2025 INSC 768;

B. State Of Karnataka Vs. Sri Darshan Etc., 2025 INSC 979

7. Heard learned counsel for the parties and perused the material available on record.



8. At the outset, this Court deems it appropriate to first examine the issue raised on behalf of the petitioner concerning the alleged non-compliance of the mandatory constitutional and statutory requirement relating to communication of grounds of arrest.

Re: Communication of Grounds of Arrest

9. The requirement of communicating the grounds of arrest to an accused emanates from the constitutional guarantee enshrined under Article 21 of the Constitution of India, which mandates that no person shall be deprived of his life or personal liberty except in accordance with the procedure established by law. The protection afforded to personal liberty under Article 21 is further reinforced by Article 22(1) of the Constitution of India, which provides that a person arrested must be informed, as soon as may be, of the grounds of such arrest and cannot be detained in custody without being so informed.

10. The aforesaid constitutional safeguards have been statutorily incorporated by the legislature through Section 47 of the BNSS, 2023 (corresponding to erstwhile, Section 50 of the Code of Criminal Procedure, 1973), which casts a mandatory obligation upon the police officer or any person effecting arrest without warrant to forthwith communicate to the arrested person grounds for such arrest.

11. The legal position on the aforesaid aspect, as developed through the jurisprudence evolved by the Hon'ble Supreme Court with respect to communication of grounds of arrest, now stands substantially settled through a series of authoritative pronouncements. The Hon'ble Apex Court in the case of **Pankaj**



Bansal v. Union of India, 2023 INSC 866, emphasized that Article 22(1) of the Constitution mandates effective and meaningful communication of grounds of arrest to the arrested person at the earliest opportunity and further observed that furnishing written grounds of arrest should be treated as a standard procedural requirement without exception.

12. Similarly, in the case of **Prabir Purkayastha v. State (NCT of Delhi), 2024 INSC 414**, while dealing with offences under the Unlawful Activities (Prevention) Act, the Hon'ble Supreme Court reiterated that every arrested person possesses both a constitutional and statutory right to be informed in writing of the grounds of arrest and held that breach of the safeguards contemplated under Article 22 of the Constitution would vitiate the legality of arrest and remand. It was further observed that communication of grounds of arrest is not a mere procedural formality but a substantive safeguard intended to enable the arrested person to effectively avail legal assistance, oppose remand and seek appropriate legal remedies including bail.

13. Subsequently, in the case of **Vihaan Kumar v. State of Haryana, 2025 INSC 162**, the Hon'ble Supreme Court reiterated that failure to communicate the grounds of arrest soon after arrest would render the arrest illegal. The Court further cast a duty upon the Magistrate before whom the arrested person is produced for remand to ascertain whether due and substantial compliance of Article 22(1) of the Constitution and the statutory mandate relating to communication of grounds of arrest has been made. The relevant extract is reproduced herein:-



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

14. Thereafter, the controversy was authoritatively settled by a three-Judge Bench of the Hon'ble Supreme Court in the case of **Mihir Rajesh Shah v. State of Maharashtra, 2025 INSC 1288**, wherein it was held that the grounds of arrest are required to be communicated in writing in a language understood by the arrestee and non-supply thereof prior to or immediately after arrest would not vitiate the arrest provided such grounds are furnished within a reasonable time and before the remand proceedings before the Magistrate. The relevant extract is reproduced herein:-

"48. 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 50 of CrPC 1973 (now Section 47 of BNSS 2023) irrespective of certain exigencies where furnishing such grounds would not be possible forthwith.

49. It is by now settled that if the grounds of arrest are not furnished to the arrestee in writing, this noncompliance 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.

50. It may so happen that in the presence of a police officer a cognizable offence is being committed and the factual matrix presents a tangible and imminent risk of the suspect absconding or committing further offence(s). For instance, in a case involving a murder being committed in front of a police officer, it may not be possible for the officer to provide the grounds of arrest in writing before the arrest or forthwith on the arrest to the accused. A rigid insistence upon informing of written ground(s) of arrest before or at the time of effecting the arrest or immediately thereafter may result into police officer not being able to discharge their duty and responsibility efficiently and effectively. The constitutional safeguards, valuable as they are, cannot be interpreted in a manner so as to allow it to metamorphose into a procedural impediment that handicaps the law enforcing agencies in due lawful discharge of their duties. Therefore, a balance between compliance of the constitutional as also the statutorily mandated safeguards on the one hand vis-a-vis the effective discharge of lawful statutory law enforcement duties and responsibilities cast upon the State agencies must be struck.

51. 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.

52. 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.**

53. The above indicated lower limit of two hours minimum interval before the production is grounded in the functional necessity so that the right as provided to an arrestee under the Constitution and the statute is safeguarded effectively. This period would ensure that the counsel has adequate time to scrutinize the basis of arrest and gather relevant material to defend the arrestee proficiently and capably while opposing the remand. Any shorter interval may render such preparation illusory, thereby resulting in non-



compliance of the constitutional and statutory mandate. **The two-hour threshold before production for remand thus strikes a judicious balance between safeguarding the arrestee's constitutional rights under Article 22(1) and preserving the operational continuity of criminal investigations.**

54. In view of the above, we hold with regard to the second issue that non supply of grounds of arrest in writing to the arrestee prior to or immediately after arrest would not vitiate such arrest on the grounds of non-compliance with the provisions of Section 50 of the CrPC 1973 (now Section 47 of BNSS 2023) provided the said grounds are supplied in writing within a reasonable time and in any case two hours prior to the production of the arrestee before the magistrate for remand proceedings.

55. It goes without saying that if the abovesaid schedule for supplying the grounds of arrest in writing is not adhered to, the arrest will be rendered illegal entitling the release of the arrestee. On such release, an application for remand or custody, if required, will be moved along with the reasons and necessity for the same, after the supply of the grounds of arrest in writing setting forth the explanation for non-supply thereof within the above stipulated schedule. On receipt of such an application, the magistrate shall decide the same expeditiously and preferably within a week of submission thereof by adhering to the principles of natural justice.

56. In conclusion, it is held that:

i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);

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

iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in



writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.

57. After having come to the above conclusion, it is pertinent to note that the provision of law under Section 50 of CrPC 1973 (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in Prabir Purkayastha (supra), held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.

58. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth."

(Emphasis Supplied)

Factual Adjudication:

15. The aforesaid position of law, mandates in unequivocal terms that the grounds of arrest be supplied to the accused and any



failure to do so would lead to the accused's release on bail. The factual position emerging from the record indicates that when the accused-petitioner pursuant to his arrest was produced before the learned Magistrate on 31.01.2026, the investigating agency sought police custody remand and the learned Magistrate prepared a detailed order-sheet recording the proceedings conducted on the said date, which reads as follows:-

"दिनांक 31.01.2026

श्रीमान मुख्य न्यायिक मजिस्ट्रेट जयपुर महानगर प्रथम के पीठासीन अधिकारी के अवकाश पर होने से आज दिनांक 31.01.2026 को समय 12:35 पीएस पर श्री चैतन्य प्रकाश, एसआई, पुलिस अनुसंधान अधिकारी, पुलिस थाना एसपीएस ने एफआईआर संख्या 1/26 धारा 3, 9, शासकीय गुप्त बात अधिनियम 1923 एवं धारा 152, 238(ख) बीएनएस 2023 में अभियुक्त झबरा राम पुत्र भानाराम को पुलिस अभिरक्षा में मय केश डायरी पेश कर उक्त अभियुक्त का 05 योम की पीसी रिमाण्ड की प्रार्थना की।

अभियुक्त की ओर से अधिवक्ता श्री इंदरीश ने वकालतनामा पेश किया जो शामिल रिमाण्ड कागजात रहे। अधिवक्ता अभियुक्त ने पुलिस अभिरक्षा का विरोध किया।

सुना गया। केस डायरी का अवलोकन किया गया।

अभियुक्त को गिरफ्तार किये जाने की इत्तला उसके परिजनों को दिये जाना केस डायरी से जाहिर होता है। अभियुक्त की गिरफ्तारी के पर्याप्त आधार पत्रावली पर विद्यमान है जिनसे अभियुक्त को अवगत भी गरवाया जाना जाहिर होता है। इस संबंध में धारा 47 बीएनएसएस का नोटिस संलग्न है। अनुसंधान अधिकारी ने अभियुक्त द्वारा भेजी गई सामरिक महत्व की सूचनाओं एवं विदेशी एजेंट द्वारा उपयोग में लिए जा रहे वाट्सएप डाटा का पता लगाने एवं सीडीआर प्राप्त करने व शेष अनुसंधान करने हेतु पुलिस रिमाण्ड चाहा है तथा अभियुक्त के बैंक खातों के रिकॉर्ड व अभियुक्त को सूचना उपलब्ध करवाने में किन-किन व्यक्तियों द्वारा सहयोग किया है इस संबंध में तपतीश करनी बताया है। इस संबंध में अभियुक्त की धारा 23 भारतीय साक्ष्य अधिनियम की इत्तला भी संलग्न है।



अतः प्रकरण के समस्त तथ्यों व परिस्थितियों दृष्टिगत रखते हुए अभियुक्त झबरा राम पुत्र श्री भानाराम से शेष अनुसंधान हेतु अभियुक्त की दिनांक 04.02.2026 तक पी.सी. रिमाण्ड में पेश किये जाने के आदेश दिये जाते हैं। अभियुक्त को पुलिस रिमाण्ड से न्यायालय के समक्ष दिनांक 04.02.2026 को समय 03:00 पीएम पूर्व पेश किया जावे। उक्त अवधि का विधि अनुसार स्वास्थ्य परीक्षण करवाया जावे। इस आदेश की एक प्रति न्यायालय में रखी जावे। केस डायरी मय मुलजिम लोटायी जावे।

ACJM No.- 5

जयपुर महानगर (प्रथम)“

16. A perusal of the case diary reflect that at the time of arrest, the accused-petitioner was informed by the concerned police officer regarding the factum and basis of his arrest as contemplated under Section 47 of the BNSS; however, the record does not indicate that the said grounds of arrest were ever furnished to the accused-petitioner in writing, which stand contrary to the settled judicial dictum laid by the Apex Court in the case of **Mihir Rajesh Shah (supra)**, thereby rendering the arrest legally unsustainable.

17. Furthermore, upon perusal of the order-sheet it reveals that though the accused-petitioner was produced before the learned Magistrate and police custody remand was sought by the investigating agency, no objection appears to have been raised on behalf of the petitioner regarding non-supply of grounds of arrest; however, at the same time, neither the learned Public Prosecutor nor the concerned Magistrate appears to have verified as to whether the mandatory requirement relating to communication of grounds of arrest in writing had been duly complied with by the investigating agency and the record does not reflect that any written grounds of arrest were furnished to the accused-petitioner prior to or at the time of remand proceedings and the illegality



persisted through the Magistrate who granted custody to the petitioner without ensuring proper procedural compliance.

18. The constitutional and statutory safeguards governing arrest cast a corresponding duty not only upon the investigating officer effecting the arrest, but also upon the prosecuting agency and the Magistrate supervising the remand proceedings to ensure strict adherence to the mandate flowing from Articles 21 and 22 of the Constitution of India and Section 47 of the BNSS, as mere disclosure or narration of allegations, without furnishing written grounds of arrest to the accused, would not amount to due compliance of the law laid down by the Hon'ble Supreme Court in the case of **Mihir Rajesh Shah (Supra)**.

19. Whereas, learned Public Prosecutor appearing on behalf of the State has placed reliance upon the judgment rendered by the Hon'ble Supreme Court in the case of **State of Karnataka v. Sri Darshan, 2025 INSC 979**, wherein while relying upon the decision rendered in the case of **Kasireddy Upender Reddy v. State of Andhra Pradesh, 2025 INSC 768**, it was observed that neither the Constitution nor the governing statute prescribes any specific form for communication of grounds of arrest and substantial compliance thereof may suffice unless demonstrable prejudice is shown to have been caused to the accused. The relevant extract is reproduced herein:

"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.



20.1.3. 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.

20.1.5. 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.

20.1.7. 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.”

20. Subsequently, the Hon’ble Supreme Court in the case of **Ahmed Mansoor v. State, 2025 SCC OnLine SC 2650**, distinguished the principles laid down in the case of **Sri Darshan (supra)** on facts and reiterated the importance of strict adherence to constitutional safeguards relating to arrest. The relevant extract is reproduced as under:-



"3. The only issue for consideration in this appeal is as to whether the appellants have been furnished with the grounds of arrest when they were apprehended and, if not, whether an explanation given by the jurisdictional Court at the time of remand, followed by the remand order which indicates that the grounds of arrest were explained, would be in sufficient compliance of Section 43B of the UAPA.

8. In State of Karnataka v. Sri Darshan (supra) the facts governing are quite different. It was a case dealing with the cancellation of bail where the charge sheet had been filed and the grounds of detention were served immediately. This Court has, in fact, given its approval to the decision in Vihaan Kumar v. State of Haryana (supra)..."

21. Moreover, the authoritative pronouncement rendered by the Hon'ble Supreme Court in **Mihir Rajesh Shah (supra)** leaves no scope for the investigating agency or the Magistrate to dilute or bypass the mandatory requirement of communicating the grounds of arrest in writing to the accused, the said safeguard being intrinsically connected with protection of personal liberty and procedural fairness guaranteed under Articles 21 and 22 of the Constitution of India.

22. The present case does not pertain to an ordinary criminal offence, but involves grave allegations relating to transmission of strategic and sensitive information to Pakistani handlers, thereby having serious ramifications upon national security and sovereignty of the nation. Therefore, precisely for this reason, strict adherence to the constitutional and statutory safeguards governing arrest assumes even greater significance, had the investigating agency and the authorities concerned exercised due diligence in ensuring compliance of the mandatory requirement relating to communication of grounds of arrest in writing, the



present controversy regarding legality of arrest would not have arisen.

23. In view of the discussion made hereinabove and in light of the settled legal position, this Court is of the considered opinion that the continued detention of the accused-petitioner cannot be sustained in law, as the mandatory requirement relating to furnishing and communication of grounds of arrest at the time of arrest of the accused-petitioner does not appear to have been duly complied. Consequently, this Court is left with no other option except to enlarge the accused-petitioner on bail. However, while allowing the bail application of the accused-petitioner, liberty is granted to the respondent to take recourse to law, to arrest the accused-petitioner, if a case is made out.

24. Accordingly, the bail application under Section 483 of B.N.S.S. is allowed and it is ordered that the accused-petitioner- **Jhabra Ram S/o Shri Bana Ram**, in connection with FIR No. 01/2026, registered at Special Police Station, District C.I.D. Security, Jaipur Rajasthan, shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the Court concerned on all the dates of hearing and as and when called upon to do so. The learned trial Judge shall also verify the address and the contact details of the surety through Special Police Station, District C.I.D. Security before releasing the accused-petitioner on bail.

25. The accused-petitioner is also directed to mark his presence on 25th of every month before the concerned Police Station till conclusion of the trial. The Special Police Station, District C.I.D.





Security is directed to maintain a regular register marking the presence of the accused-petitioner and shall send the presence report of the accused-petitioner on the same day to the concerned trial Court every month without any delay. The accused-petitioner is further directed to submit his passport, if any, to the Special Police Station, District C.I.D. Security. The petitioner shall not leave India without prior permission of the court.

26. The accused-petitioner is directed to submit his present address along with his mobile number to the concerned Special Police Station, District C.I.D. Security within 7 days from his release and the Special Police Station, District C.I.D. Security shall verify the said address and the mobile number. In case if the petitioner changes his address or mobile number he shall submit the same before the Special Police Station, District C.I.D. Security and also before the concerned learned trial Court. In case of any breach of the aforementioned conditions, the learned Public Prosecutor shall be free to move the application against the accused-petitioner for cancellation of the bail before the concerned Court.

27. A copy of this order shall be sent to the Special Police Station, District C.I.D. Security for its strict compliance.

Parting Remarks:

28. Before parting with the order, this Court deems it appropriate to observe that the dictum laid down in the case of **Mihir Rajesh Shah (supra)** of furnishing grounds of arrest is required to be mandatorily complied with by all investigating agencies and Courts dealing with remand proceedings. It is further directed that at the



time of considering any remand application, the concerned Magistrate shall specifically ascertain and satisfy as to whether the grounds of arrest have been duly furnished and communicated to the accused in accordance with law.

29. A copy of this order shall be forwarded to the Director General of Police, Rajasthan and the Director of Prosecution, Rajasthan for initiating appropriate action, against the concerned Investigating Officer and the learned Public Prosecutor for the lapses observed hereinabove.

30. The Registry is directed to place a copy of this order before Hon'ble the Chief Justice for appropriate action in relation to the proceedings conducted by the concerned Magistrate (ACJM No.5, Jaipur Metropolitan-I).

31. The Registrar (Judicial) is also directed to forward a copy of this order to all Subordinate Courts in the State for due compliance and necessary sensitization regarding the mandatory procedural safeguards governing arrest and remand proceedings.

(PRAVEER BHATNAGAR),J

Ashwani Kr Srivastava /-190