



CRM-M-27226-2025 &
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27226-2025

Munish Shingari

... Petitioner

Versus

State of Haryana

.. Respondent

CRM-M-27288-2025

Tarun Shingari

... Petitioner

Versus

State of Haryana

.. Respondent

Reserved on : 12.06.2025

Date of Pronouncement : 03.07.2025

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Rajesh Anand, Advocate,
Mr. Gaurav Adlakha, Advocate and
Mr. Gursevak Singh, Advocate for the petitioner(s).

Mr. Vishal Kashyap, DAG, Haryana.

H.S. Grewal, J.

This order shall dispose of two regular bail petitions bearing CRM-M-27226-2025 & CRM-M-27288-2025 as these are arising out of an identical FIR.

2. The petitioners are seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR No.99 dated 11.03.2025,



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under Sections 109(1), 3(5), 61, 308(2), 111(2), 111(3), 111(4), 111(6) of BNS, 2023 and Section 25 of the Arms Act, registered at Police Station Jagadhri City, District Yamuna Nagar.

3. Learned counsel for the petitioner(s) has submitted that the petitioners were not named in FIR and had been arraigned as accused on the disclosure statement of co-accused. He further submitted that the preliminary ground for grant of regular bail to the petitioners is that there is a gross violation of the mandatory safeguards under Article 22(1) of the Constitution of India, 1950 and Section 47 of BNSS inasmuch as the grounds of arrest were not communicated/supplied to the petitioners in writing at the time of their arrest on 07.04.2025 and therefore, the police remand and judicial custody till date in the instant case is illegal. He further submitted that the learned Additional Chief Judicial Magistrate, Jagadhri had failed to perform its duty to ascertain whether compliance of Article 22(1) of the Constitution of India has been made or not. He further submitted that on 07.04.2025, in terms of production warrant, the petitioners were produced from jail in the Court of learned ACJM, Jagadhri in another FIR and on the same day, the learned ACJM granted permission to the IO to join the petitioners in the investigation. Before or after arrest of the petitioners, the grounds of arrest were not communicated and a copy thereof in writing had not been supplied to them or their family members, which is mandatory as per Article 22(1) of the Constitution of India. The learned ACJM, Jagadhri, without ascertaining the compliance of Article 22(1) of the Constitution of India, sent the petitioners on one day police remand which is in gross violation of Section 50A(4) Cr.P.C.



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(now Section 48(4) BNSS) as well as the direction issued by Hon'ble the Supreme Court in the case of **Vihaan Kumar versus State of Haryana and another 2025 SCC (Online) Supreme Court 269**. Learned counsel further submitted that during police remand, the petitioners were compelled to sign blank pages as well as other pre-drafted documents. He also submitted that on 15.04.2025, the petitioners had preferred the bail applications before the trial Court on the sole ground that the grounds of arrest, in terms of Article 22(1) of the Constitution of India, were not provided to them at the time of their arrest. The respondent/State had filed reply on 18.04.2022 before the trial Court wherein no record qua communicating the grounds of arrest was produced but later, on 21.04.2025, another detailed reply was filed. This was the first time that documents showing the reasons for arrest, signed by the petitioners, were produced. This clearly shows that the reasons for the arrest were only communicated later when these documents were presented, which appears to be an afterthought and suggests forgery and fraud, as is clear from the events that took place between 07.04.2025 and 21.04.2025. He, however, submits that the bail applications of the petitioners had been dismissed by the trial Court vide order dated 24.04.2025 (Annexure P-1) and the petitioners are in custody since 07.04.2025.

4. On the other hand, learned State counsel has filed separate replies/status reports in both the cases by way of an affidavit of Deputy Superintendent of Police, Special Task Force Unit, Ambala in Court which are taken on record. He, while referring to the reply, submits that the petitioners are not entitled to the concession of regular bail as they are involved in several



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other cases inasmuch as the petitioner-Munish Shingari is involved in 05 more cases while the petitioner-Tarun Shingari is involved in 07 other cases for serious offences. Both petitioners, who are brothers, worked for gangsters, namely, Virender Pratap alias Kala Rana and Surya Pratap alias Noni Rana. They managed financial matters for Noni Rana and were also involved in the liquor business, where they invested extortion money. The petitioners gave Noni Rana the contact details of several businessmen, liquor vendors, and immigration service centre owners in places like Ambala, Yamunanagar, and Karnal and helped the shooters of the gang to conduct the *recce* and also help the finances. It is also stated in the reply that the petitioners were already in judicial custody in other cases. Learned State counsel further stated that the plea raised by the petitioners that the grounds of arrest were not communicated to them is totally false because both the petitioners were arrested in the present case as per the law and all the provision of law had been followed and grounds of arrest were duly communicated to them in writing to them. Moreover, the petitioners had signed and communicated the grounds of arrest as well as the counsel was appointed by them as per their choice. In support of his submissions, he has relied upon the judgment of Hon'ble the Supreme Court in the case of **Kasireddy Upender Reddy vs. State of Andhra Pradesh** bearing Criminal Appeal No.2808 of 2025 (arising out of SLP(Criminal) No.7746-2025), decided on 23.05.2025.

5. I have gone through the material available on record.
6. Before adjudication of the matter, it is relevant to read Article 22(1) of the Constitution of India:-



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“(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.

(2) xxxxxxxxxx”

7. Hon’ble the Supreme Court, in the case of ***Vihaan Kumar (supra)***, has held that the compliance of Article 22(1) of the Constitution of India is a mandatory constitutional requirement and the grounds of arrest must be communicated effectively in writing, in a language understood by the arrestee. It was further held that when an arrested person alleges non-compliance, the burden shifts to the arresting agency to establish that the constitutional mandate was fulfilled.

8. However, in the present case, the State has categorically stated that the relevant provisions of law had been followed and the grounds of arrest were duly communicated to the petitioners in writing and their respective signatures were obtained thereafter on the said documents. The petitioners had preferred the bail applications before the trial Court only on the ground of violation of Article 22(1) of the Constitution of India and non-communication of grounds of arrest which has been totally denied by the State. The petitioners have alleged that the documents produced by the police are fabricated and were prepared subsequently using blank signed papers, but such assertions, though serious, remain unsubstantiated by any contemporaneous material because the petitioners were brought on production warrants from jail wherefrom they were detained as under trial in other FIR(s) and were produced before the Court to allow their remand and thereafter sent them to judicial custody. It cannot be



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believed that the petitioners were not communicated the grounds of arrest because they were duly represented by their counsel at the time of Court proceedings. It would also not be possible to believe that the petitioners were ignorant of the grounds of arrest and pending FIR(s) against them. The record further indicates that this aspect was examined by the learned Additional Sessions Judge while deciding the earlier bail application, which was dismissed after considering these very contentions. The learned Additional Sessions Judge, while rejecting the bail applications of the petitioners, has recorded the following findings:-

“8. However, this Court finds that the Investigating Agency has placed on record the document communicating the ground of arrest to the petitioner in writing at the time of his arrest.

The said document has been disputed by the learned counsel for the petitioner stating that signature of petitioner were taken on number of blank papers by the police at the time of his arrest in FIR No. 95 dated 10.02.2025 and the said document informing the ground of arrest to the petitioner, was forged by using blank signed papers. This Court cannot presume anything against Investigating Agency merely by the bald assertion put forth by the petitioner. There is nothing on record to prove the said assertion.

9. Learned counsel for the petitioner has placed reliance upon the remand papers to assert that the said document regarding informing ground of arrest was not supplied to the court at the time of seeking police or judicial remand. This court finds the petitioner cannot draw any benefit from the same as no such document was prima facie asked for by the learned Magistrate or the learned counsel for the petitioner at the time of seeking remand. Accordingly, it would be inferred that the said document was in existence at that time. Had it not been so, the petitioner,



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who is agitating each action of the police, would not have spared the investigating agency on that account also.”

9. In the case of **Kasireddy Upendar Reddy(supra)**, Hon’ble the Supreme Court has held as under:-

*“If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told of the acts done by him which amounts to the offence. He must be informed of the precise acts done by him for which he would be tried; informing him merely of the law applicable to such acts would not be enough. (See: [Vimal Kishore Mehrotra \(supra\)](#))
37. In the overall view of the matter more particularly having gone through the grounds of arrest we have reached the conclusion that the requirement in terms of para 21(b) as [laid down in Vihaan Kumar \(supra\)](#) could be said to have been fulfilled.”*

10. It is well established in law that minor technical mistakes, without showing actual harm, do not by themselves give an accused the right to bail, especially in serious cases involving organized crime. In this case, the accusations against the petitioners are grave, as they are linked to a larger criminal gang. The investigation is still at a crucial stage, and granting bail to the petitioners at this stage could harm the ongoing investigation and encourage such organized criminal groups. Therefore, this Court does not find any infirmity with the order of the trial Court and there is no violation of any



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provisions of law during the time of arrest of the petitioners. Although the case has not been argued on merits but, while considering the gravity of the offence, the stage of investigation, the criminal antecedents of the petitioners and the unsubstantiated nature of the claims regarding non-communication of grounds of arrest, this Court is not inclined to grant regular bail to the petitioners as their custodial interrogation is necessary for a proper and thorough investigation in this case.

11. Consequently, both the petitions are, hereby, dismissed.

12. However, it is made clear that the observations made hereinabove are solely for the purpose of deciding the present bail applications and shall not be construed as an expression of opinion on the merits of the case during the trial.

**(H.S.GREWAL)
JUDGE**

03.07.2025.
A.Kaundal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No