

[2025 LiveLaw \(SC\) 367](#)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
M.M. SUNDRESH; J., RAJESH BINDAL; J.

MARCH 25, 2025.

CRIMINAL APPEAL NO. 1518 /2025 [@ SLP [CRL.] NO.1662/2025]

ASHISH KAKKAR versus UT OF CHANDIGARH

Code of Criminal Procedure, 1973; Section 50 – Mere arrest memo lacking detailed particulars does not satisfy the mandate under Section 50, violating Article 22(1) of the Constitution of India. Arrest and remand set aside. (Relied: *Prabir Purkayastha v. State (NCT of Delhi)*, [2024 LiveLaw \(SC\) 376](#))

[Arising out of impugned final judgment and order dated 30-01-2025 in CRMM No. 8/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s) Mr. Siddharth Aggarwal, Sr. Adv. Mr. Ashish Batra, AOR Mr. Gaurav Kakkar, Adv. Mr. Arjun Kaushal, Adv. Mr. Anukirat Singh Baweja, Adv.

For Respondent(s) Mr. Bhuvan Kapoor, Adv. Mr. Varun Chugh, Adv. Mr. Shreekanth Neelappa Terdal, AOR

ORDER

Leave granted.

The appellant was arrested on 30.12.2024 in connection with FIR No. 33/2022 registered under Sections 384, 420, 468, 471, 509 and 120B of the Indian Penal Code, 1860 and remanded to police custody for a period of 3 days.

Vide the present appeal, the appellant has challenged both his arrest and the remand order dated 30.12.2024 on three grounds, namely, there is a clear non-compliance of the mandate under Section 41-A of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code'); the appellant was not heard at the time of remand and the grounds of arrest as mandated under Section 50 of the Code have not been furnished to the appellant as against the mere arrest memo.

We are inclined to consider only the last issue raised by the appellant with respect to the non-furnishing of the grounds of arrest.

Upon perusing annexure P-3, we can see that what has been provided to the appellant is only an arrest memo in the prescribed format, which is meant to be given to the appellant by way of an intimation. It has been filled up with the name of the appellant along with the place of arrest. Additionally, it has been written that he has been arrested based upon the statement of the co-accused.

We are in agreement with the submission made by the learned senior counsel appearing for the appellant that the said arrest memo cannot be construed as grounds of arrest, as no other worthwhile particulars have been furnished to him.

This, being a clear non-compliance of the mandate under Section 50 of the Code which has been introduced to give effect to Article 22(1) of the Constitution of India, 1950 we are inclined to set aside the impugned judgment, particularly, in light of the judgment rendered by this Court reported as *Prabir Purkayastha v. State (NCT of Delhi)* - (2024) 8 SCC 254.

In such view of the matter, the impugned judgment stands set aside and the arrest of the appellant followed by the consequential remand order are also set aside.

The appellant shall be set at liberty, until and unless he is required in any other case. The appeal stands allowed accordingly.

Pending application(s), if any, shall also stand disposed of.

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