



CASE COMMENT: VIHAAN KUMAR V. THE STATE OF HARYANA

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INTRODUCTION

The Supreme Court case of Vihaan Kumar vs The State of Haryana, decided on 7 February 2025, addresses the critical issue of an arrested person's right to be informed of the grounds of arrest under Article 22(1) of the Constitution and Section 50 of the CrPC. Vihaan Kumar was arrested in connection with a serious criminal case but claimed that he was never informed of the reasons for his arrest, a fundamental right protected by the Constitution. Instead, the police argued that they had informed his wife and relied on entries in the police diary and arrest memo to show compliance.

The Court underscored that the right to be informed is not a mere formality but a mandatory constitutional safeguard. It must be imparted directly and meaningfully to the arrested individual in a language they understand. Communication to relatives or vague records does not satisfy this obligation. The Court placed the burden on the police to prove effective compliance, and in this case, found them wanting.

Further, the Court held that failure to comply with Article 22(1) vitiates not only the arrest but also any subsequent judicial remand, regardless of the filing of a charge sheet or trial progress. The accused must be released forthwith in such situations, although proceedings on the merits of the charge can continue.

The judgment also condemned the treatment of Vihaan Kumar during hospitalisation, where he was handcuffed and chained, violating his right to dignity under Article 21. The Court directed the State government to issue guidelines preventing such abuses and ensuring strict compliance with constitutional safeguards during arrest and detention.

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This decision reinforces the imperative that fundamental rights cannot be ignored in criminal justice processes and emphasises the need for transparency and respect for human dignity in every stage of detention and trial.

FACTS OF THE CASE

- Vihaan Kumar was implicated in FIR No. 121 of 2023 dated 25 March 2023, registered under Sections 409, 420, 467, 468, 471 read with 120-B IPC. He was arrested on 10 June 2024 in Gurugram, Haryana.
- The appellant asserted that he was arrested around 10:30 a.m. but produced before the Magistrate only on 11 June 2024 at 3:30 p.m.—allegedly violating Article 22(2) (mandating production before a magistrate within 24 hours) and Section 57 CrPC.
- During custody, he was hospitalised at PGIMS, Rohtak, where he was handcuffed and chained to his bed, which the Supreme Court later identified as a violation of Article 21 (right to dignity).
- The appellant's central grievance was that he was not informed of the grounds of his arrest, either orally or in writing. The State contended variously that the wife of the accused had been informed, and that entries in case diaries, arrest memos, or remand reports fulfilled legal requirements.
- The Punjab and Haryana High Court on 30 August 2024 upheld the arrest, finding no constitutional violation. This prompted the appellant's challenge in the Supreme Court.

ISSUES

1. Was there a violation of Article 22(1) and Section 50 CrPC—i.e., were the grounds of arrest communicated to Vihaan Kumar?
2. Does the failure, if any, vitiate the arrest and subsequent judicial remand?
3. Was the chaining and handcuffing of the accused in the hospital a violation of his constitutional rights under Article 21?
4. What are the duties of arresting agencies and the Magistrate when remanding an accused?

ARGUMENTS OF BOTH PARTIES

Appellant's Arguments:

- Asserted repeated violation of **Article 22(1)** and **Section 50 CrPC** as the grounds of arrest were never communicated to him, neither verbally nor in writing.
- Pointed out that informing the accused's wife cannot substitute for communication with the accused himself.
- Cited **Pankaj Bansal v. Union of India (2024)** and **Prabir Purkayastha v. State (NCT of Delhi) (2024)**, which mandated meaningful and effective communication of arrest grounds as essential to procedural fairness and access to legal remedies.
- Alleged police affidavits and status reports before the High Court failed to contradict his assertion of non-communication; rather, they only discussed informing his wife.
- Argued that any procedural breach in communicating arrest grounds invalidates the arrest and subsequent remand, as per constitutional and judicial standards.

Respondent's Arguments:

- Argued that oral communication of grounds of arrest suffices; a written document is not legally mandated by Article 22(1) or Section 50 CrPC.
- Claimed procedural compliance via entries in the case diary (at 6:10 p.m. on 10 June 2024), arrest memo, and content of the remand report.
- Contended that delay in raising the Article 22(1) violation undermines the appellant's claim.
- Asserted that the accused's continued custody was based on lawful remand orders and the filing of a charge sheet, which, according to them, validated his detention.

LEGAL PRINCIPLES DISCUSSED

- **Article 22(1) of the Constitution:** Protects against detention without being informed, as soon as may be, of the grounds for arrest.
- **Section 50 CrPC:** Requires communication of either full particulars of the offence for which the person is arrested or the grounds for such arrest.
- **Section 41 CrPC/Section 35 BNSS:** Specifies conditions for arrest without warrant, emphasising credible information and written records.

RATIO DECIDENDI

Communication to the Arrestee is Mandatory: The Supreme Court held that the fundamental right enshrined in Article 22(1) requires the arrestee, personally, to be informed of the grounds. Communicating with a spouse or relative does **not** suffice.

Quality and Mode of Communication: Communication must provide sufficient knowledge of the basic facts in a language understood by the accused. The “meaningfulness” of communication is essential—it should allow the accused to effectively exercise legal rights.

Written Communication Ideal but not Mandatory: While not strictly mandatory, written communication is strongly preferred to prevent later factual disputes.

Burden of Proof: If the arrestee alleges non-communication, the burden of proof shifts to the Investigating Officer/Agency.

Non-compliance Vitiates Arrest and Remand: Failure to communicate grounds as mandated renders the arrest and subsequent judicial custody/remand orders illegal, regardless of whether a charge sheet was later filed.

Magistrate’s Duty: When remanding an accused, Magistrates must ensure compliance with Article 22(1) and related safeguards.

Article 21 Violation: The act of handcuffing and chaining the accused in a hospital was condemned as a violation of dignity and the right to life.

JUDGMENT

Violation of Article 22(1) – Was the Ground of Arrest Communicated to the Accused? The Supreme Court decisively held that there was a violation of Article 22(1) of the Constitution, which mandates that every person arrested must be informed, “as soon as may be,” of the grounds for their arrest. The Court found that Vihaan Kumar was not personally informed of the grounds for his arrest in any meaningful manner. Communicating the grounds to his wife, or merely recording vague entries in the case diary or arrest memo, does not satisfy the constitutional or statutory requirement. The burden of proving such communication lies with the investigating agency, and in this case, the State failed to demonstrate compliance.

Consequently, non-communication of the grounds directly to the accused rendered the arrest unconstitutional and illegal.

Procedure After Arrest – Validity of Remand and Subsequent Custody: The Court further held that once an arrest is found to be unconstitutional due to non-compliance with Article 22(1), any judicial order remanding the accused to custody is also vitiated. The mere filing of a charge sheet or subsequent court orders cannot cure the initial illegality. Thus, Vihaan Kumar's continued detention under orders of remand was not legally sustainable, and he was ordered to be released immediately. However, the Court clarified that the merits of the charge sheet and the ongoing trial remain unaffected by the vitiation of custody.

Right to Dignity in Custody – Treatment in Hospital: A separate issue before the Court was the treatment of the accused while in custody—specifically, being handcuffed and chained to a hospital bed. The Court condemned this conduct as a violation of the fundamental right to life and dignity under Article 21 of the Constitution. It directed the State of Haryana to issue guidelines and amend procedures to prevent such degrading treatment of accused persons in custody in the future.

Role and Duty of Magistrates: The judgment asserted that when an arrested person is produced before a judicial magistrate for remand, it is the duty of the magistrate to ensure compliance with Article 22(1) and other constitutional safeguards. Courts must actively uphold fundamental rights and scrutinise whether the arrested person has been properly informed of the grounds for arrest.

CONCLUSION

In conclusion, the Supreme Court in *Vihaan Kumar vs The State of Haryana* delivered a significant verdict reinforcing the constitutional mandate that every arrested person must be meaningfully informed of the grounds for their arrest under Article 22(1) of the Constitution and Section 50 of the CrPC. The Court found that mere communication of arrest details to a relative, or vague record entries, do not meet this requirement; the information must be directly imparted to the detainee in a manner they understand. Failure to do so constitutes a violation of fundamental rights, rendering the arrest and any subsequent remand orders illegal, though not affecting the investigation or trial itself. The Court also condemned degrading treatment in custody, affirming the right to dignity under Article 21, and directed the State to amend its

procedures to prevent future violations. This judgment sets a strong precedent for safeguarding personal liberty and procedural fairness in India's criminal justice system.