

CRWP NO.701 OF 2018
ANKIT GREWAL ADV. AS A NEXT BEST FRIEND OF ADV.
SUDHA BHARDWAJ VS. STATE OF HARYANA AND OTHERS

Present: Mr. R.S. Bains, Advocate
and Mr. Arjun Sheoran, Advocate
for the petitioner.

Prayer in this criminal writ petition is for issuance of a writ in the nature of habeas corpus or any other appropriate writ, order or direction directing the respondents to release the detenu Sudha Bhardwaj, who according to counsel for the petitioner, is in custody of the Station House Officer, Police Station Surajkund, District Faridabad.

Counsel for the petitioner has submitted that the detenu – Sudha Bhardwaj is a human rights activist and a visiting faculty at the National Law University, Delhi and presently, she is Vice-President of the Peoples Union for Civil Liberties, an organization which is taking care of civil rights of general public. It is further submitted that on 28.08.2018, in the morning, the detenu was taken in custody by the Maharashtra Police officials and was taken from her home situated at Badarpur border, Faridabad in the State of Haryana within the jurisdiction of Police Station Surajkund, District Faridabad. Counsel for the petitioner has further submitted that certain documents were given to the detenu, which is in Marathi language, which is not known to the detenu or even counsel appearing for the petitioner.

Counsel for the petitioner has further argued that on the basis of the same set of allegations one Gautam Navlakha was also picked up by the Maharashtra Police and was produced before the Chief Metropolitan Magistrate, South East District Saket, who has granted transit remand for producing him before the Special Court at Pune on or before 30.08.2018.

A.S.

The said Gautam Navlakha had filed W.P. (Crl.) No.2559 of 2018, which was listed today before the Division Bench of the Delhi High Court and it is directed that Gautam Navlakha be kept at the same place from where he was picked up by the Special Cell of the Delhi Police along with the local police, till further orders.


Notice of motion for 30.08.2018.

In the meantime, it is directed that in case the detenu is produced before the concerned Illaqa Magistrate/Duty Magistrate/Chief Judicial Magistrate, Faridabad, the order granting transit remand will be passed after going through the contents of the FIR and recording a finding that the provisions of Sections 41 and 50 of the Criminal Procedure Code have been complied with.

Till then, the detenu – Sudha Bhardwaj shall be kept at the same place i.e. her home at Badarpur border in the State of Haryana, from where she was arrested under the supervision of Police Station Surajkund.

A copy of this order be given dasti to counsel for the petitioner and the Advocate General, Haryana is directed to communicate this order to respondents No.2 and 4 for necessary compliance.

28.08.2018
yakub


(ARVIND SINGH SANGWAN)
JUDGE