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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1892/2018 and CRL.M.A. 11686/2018

KRIYAD YOGESH BHANKHARIYA THROUGH FATHER

..... Petitioner

Through: Md. Azam Ansari, Adv

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms Kamna Vohra, ASC for State
Ms Maninder Acharya, ASG with
Mr.Ripu Dhaman Singh Bhardwa,
CGSC with Mr.Sahil Sood,
Mr.Harshul Choudhary and
Mr.Viplav Acharya, Adv for R-2-4
with Mr Gagan Kant Sharma, Legal
Officer, IAF

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.11.2018

The present petition under Article 226 of the Constitution of India was instituted by the father of Kriyad Yogesh Bhankhariya (Mr.Bhankhariya) praying as follows:-

“A. Issue a writ of habeas corpus directing the respondents to produce the petitioner before this Hon’ble Court and upon such production, be further pleased to set free the petitioner from the illegal custody/confinement from hospital.

B. Restrain the respondents 2 to 5 from conducting any further medical/psychiatric evaluation on the petitioner now onward or ever in future unless consented by the petitioner and his family members.

C. Quash all the medical documents pertaining to petitioner's mental health which were falsely and malafidely created / manufactured / concocted by respondents 2-5 from 27.04.2018 onwards, the day petitioner was taken in illegal custody under the garb of mental check up/ psychiatric evaluation under three escorts/guards.

D. Pass appropriate direction directing the AIIMS to conduct medical test/psychiatric test, if required on the mental health of the petitioner however, petitioner strongly reiterates that he has no mental problems at all whatsoever.

E. Pass any such order (s) / direction (s) as this Hon'ble Court may deem fit and proper in facts and circumstances of the instant case and in the interest of justice."

Insofar as prayer clause A above is concerned, during the pendency of the present proceedings, Mr.Bhankhariya has been produced before this court on 13.07.2018 from the Base Hospital, Delhi Cantt. and is currently residing at his residential home at DDA Flats, H.No. 639/20, Near Kalkaji Extn. Ravidas Marg, New Delhi.

To that extent the writ of habeas corpus stands satisfied.

Insofar as prayer clauses B to E are concerned, it is candidly stated on behalf of the learned counsel appearing on behalf of the respondents that it cannot be granted in the present proceedings.

In this view of the matter, learned counsel appearing on behalf of the petitioner does not press this petition any further whilst seeking liberty to agitate the other reliefs prayed for in an appropriate proceeding in accordance with law.

The present habeas corpus petition is disposed of accordingly
whilst reserving liberty to the petitioner as aforesaid.

SIDDHARTH MRIDUL, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 13, 2018
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