IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 7423 of 2026

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PRANAV PRABHUDAS CHANDARANA

Versus

STATE OF GUJARAT & ORS.

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Appearance:
DR. AUM M KOTWAL(7320) for the Applicant(s) No. 1
MS VRUNDA SHAH, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 12/10/2026

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. By present writ petition under Article 226 of the Constitution of India, the petitioner Pranav Prabhudas Chandarana, President of Legal Wing of Aam Admi Party, seeking issuance of writ of Habeas Corpus directing the respondent nos.1 to 5, to produce the detainee Sanjay Harsukhbhai, who is an elected member of Junagadh Taluka Panchayat belonging to the political party of the petitioner before this Court as he had been illegally detained by abuse of criminal process to prevent him from voting in the election for Chairman and Vice Chairman of Junagadh Taluka Panchayat held on 25.05.2026.

2. Admittedly, the corpus – detenue - Sanjay Hareshbhai, was arrested on 24.05.2026 i.e. just a day before the election of Taluka Panchayat, in connection with the FIR dated 22.05.2026 for the alleged offence punishable under Sections 318(4), 115(2), 351(3), 296(b) of

Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Gujarat Police Act, 1951. Pursuant to the order of this Court dated 25.05.2026, the corpus was taken to the office of Taluka Panchayat to cast his vote. Thereafter, he has been released on bail on 23.06.2026 by this High Court.

3. Mr. Aum Kotwal, learned counsel appearing for and on behalf of the petitioner has submitted that, the requirement to issue notice under Section 35(3) of the BNSS, 2023, to the accused qua offence punishable with imprisonment up to 7 years was mandatory and the police authority cannot bypass it by recording reasons for arrest and in the present case, the offence in which the respondent Sanjaybhai Hasmukhbhai arrested, the punishment is maximum up to 7 years and as per the mandate of the procedural law and ratio laid down by the Supreme Court in the case of ***Satender Kumar Antil vs. CBI (2026) 1 GLR 372,*** the arrest is illegal and therefore, on this count, the petitioner prays to pass necessary directions and other permissible relief to the private respondent.

4. In addition to that, Mr. Kotwal, learned counsel submitted that, at relevant time, when the private respondent came to be arrested, the police authority failed to furnish grounds of his arrest in writing and on that ground also, it is submitted that, by exercising extraordinary jurisdiction, the directions of illegal arrest and other appropriate relief may be granted.

5. On the other hand, Ms. Vrunda Shah, learned APP contended that, the petition has now become infructuous because the private respondent has already been released on bail. The private respondent has not claimed any further relief as advanced by the petitioner herein and therefore, at

the instance of petitioner, no relief can be granted, as prayed for and therefore, the petition may not be entertained.

6. In the facts of the present case, before the scheduled election of Taluka Panchayat, Junagadh, the private respondent Hasmukhbhai came to be arrested by Junagadh Taluka Police in a case of forgery, cheating etc. The private respondent by order of this Court, had caste his vote in the election held on 25.05.2026. During the pendency of this petition, the private respondent has been released on bail. In our opinion, under the circumstances, the prayer for issuance of writ of habeas corpus was for very limited purpose and the same was fulfilled by way of interim order of this Court as the private respondent had exercised his voting right in the election. Now, if the private respondent having any issue of violation of his personal right with respect to non-compliance of Section 35(3) of the BNSS, 2023 or Article 21 and 22 of the Constitution of India, he should have to file a petition in this regard independently. The petitioner being an Office Bearer of the political party as well as in his individual capacity, cannot claim any relief with regard to violation of the fundamental rights of the member of his party i.e. private respondent. It is relevant to note that, the private respondent after his release, did not have claim any relief or asked this Court about passing of necessary prayer as advanced herein by the petitioner.

7. In such circumstances, the cause for this petition does not survive and the petitioner does not automatically confer to litigate another person’s personal grievance, more particularly the person for which the relief claimed, has not come forward before this Court. Thus, therefore, no case is made out for exercising extraordinary jurisdiction of this Court

for any other relief claimed herein. However, it is open for the private respondent to avail appropriate remedy in accordance with law.

8. With this observation, the present petition stands dismissed.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

TAUSIF SAIYED

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: TAUSIFAHMED SAIYED(HC01401), PRIVATE SECRETARY, at High Court of Gujarat on 13/10/2026 16:23:10