



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Habeas Corpus Petition No. 170/2021

Kavish Nath S/o Mool Nath, Aged About 25 Years, Ward No. 06,
Balinath Ji Ka Dhuna, Pokran Dist. Jaisalmer.

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Ministry Of Home Affairs, Jaipur.
2. State Of Rajasthan, Through The Superintending Of Police, Bhilwara.
3. The Station House Officer, Police Station Karera, District Bhilwara.
4. Mool Singh S/o Jethu Singh, Saredi Chitamba, District Bhilwara.
5. Madan Kanwar W/o Mool Singh, Saredi Chitamba, District Bhilwara.

-----Respondents

For Petitioner(s) : Mr. Sikander Khan.

For Respondent(s) : Mr. Farzand Ali, AAG-cum-GA with
Mr. Abhishek Purohit.

Mr. Taajmo, ASI, P.S. Karera

Ms. Munesh, MFC

Mr. Chandrapal Singh, Constable,
Police Station Karera, Dist. Bhilwara.

**HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE MANOJ KUMAR GARG**

Order

13/07/2021

The petitioner has approached this Court through this habeas corpus petition seeking a direction for production of corpus Mst. 'G' in the Court. In furtherance of such direction, she has been produced in the Court. On conferring with the corpus, we *prima facie* feel that she appears to be under pressure and is unable to



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give a statement free from duress/ coercion. In this regard, it may be stated here that the petitioner and the corpus belong to different casts. While the petitioner is Jogi by caste, the corpus hails from Rajput community.

Learned counsel Shri Sikander Khan representing the petitioner has made serious allegations against a Constable Chandrapal Singh who is posted at Police Station Karera, District Bhilwara and urges that he has been instrumental in removal of the corpus from the petitioner's company. He further alleged that the said Constable came to his office in the first week of July while the petitioner was present there for signing the habeas corpus petition and threatened him with dire consequences. The petitioner's mobile phone was forcibly taken away by the Constable Chandrapal Singh and was got unlocked and some messages were seen from the same. It was also alleged that when the petitioner and the corpus went to the Police Station Pokhran for presenting the order of police protection dated 25.06.2021 passed by this Court in S.B. Criminal Misc. Petition No.2967/2021, the Constable Chandrapal Singh was present there and he snatched the original documents of the petitioner.

It is absolutely a gross misconduct on part of the Constable Chandrapal Singh to be present in Court on duty without proper uniform. On confronting the Constable with the above allegations of Shri Sikander Khan, he admitted that he was in Jodhpur on the given date but denied that he went to the office of the counsel.

We take serious exception to the conduct of the Police Constable Chandrapal Singh. He claims to be on court duty in connection with the present habeas corpus petition but he is not in uniform. Looking to the serious allegations, we hereby direct the



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Superintendent of Police, Bhilwara to initiate disciplinary action against the Constable Chandrapal Singh and he shall provisionally be placed under suspension. The preliminary inquiry report of Superintendent of Police, Bhilwara shall be placed for perusal of the court on the next date of hearing.

The corpus shall be taken to and lodged at Nari Niketan, Jodhpur for giving her a pressure free period of reflection/contemplation. She shall be brought back to this Court on the next date of hearing.

List on 16.07.2021.

A copy of this order be sent to the Superintendent of Police, Bhilwara through e-mail.

(MANOJ KUMAR GARG),J

(SANDEEP MEHTA),J

30-Tikam/-

