



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

S.B. Criminal Writ Petition No. 284/2026

Shakir Sheikh S/o Abdul Hamid Sheikh Parshad, Aged About 34 Years, Resident Of Bajranggarh. currently Residing Of Ashok Nagar, District Pratapgarh (Raj)

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Deepak Banjara, Posted As Station House Officer, Pratapgarh.
3. The Superitendent Of Police, Pratapgarh.
4. The Inspector General Of Police, Udaipur.
5. The Director General Of Police, Rajasthan.
6. The Cmho, Pratapgarh.
7. The Human Right Commission, Rajasthan.
8. Constable Rajveer, Posted In Police Station Pratapgarh.
9. Constable Ramesh @ Gajni, Posted In Police Station Pratapgarh
10. Constable Sonu Yadav, Posted In Police Station Pratapgarh.
11. Indrajeet @ Indraraj S/o Mahipal Kajla, Work As Nursing Student In Nursing College Pratapgarh.
12. Yatan S/o Ramniwas, Work As Nursing Student In Nursing College Pratapgarh.
13. Utsav Thakur S/o Rajendra Singh, Work As Nursing Student In Nursing College Pratapgarh.
14. Rahul Sen, Work As Nursing Student In Nursing College Pratapgarh.

-----Respondents

For Petitioner(s) : Mr. Dharendra Singh, Sr. Advocate
assisted by Ms. Priyanka Borana
Mr. Robin Singh

For Respondent(s) : Mr. Deepak Choudhary, GA-cum-AAG



HON'BLE MR. JUSTICE FARJAND ALI

Order

23/01/2026

1. It is observed that due to an inadvertent error, the name of Police Inspector Gulab Singh was wrongly mentioned in the earlier order dated 20.01.2026, which stands corrected. Henceforth, the reference to the erring officer shall be read and understood as Shri Deepak Banjara, Police Inspector.

2. Learned GA-cum-AAG, Shri Deepak Choudhary, appearing for the respondents, has apprised this Court that taking the matter with utmost seriousness, the erring officer, namely Shri Deepak Banjara, Police Inspector, has already been placed under suspension vide order dated 22.01.2026 and a departmental inquiry has forthwith been instituted against him. The investigation has further been entrusted to the Additional Superintendent of Police, District Pratapgarh. This Court records its appreciation for the prompt and responsible action taken by the State authorities, which reflects due sensitivity and seriousness towards the grave allegations involved.

3. Since a judicial inquiry is already underway, this Court deems it appropriate to grant a free and unfettered hand to the learned Judicial Magistrate, Pratapgarh, to conduct the inquiry independently, fairly and expeditiously so as to reach a legitimate conclusion at the earliest. This Court expects the inquiry to be carried out with the highest degree of objectivity and judicial discipline. The manner in which the learned Magistrate has taken cognizance of these serious aspects is highly appreciable and





commendable. It reflects judicial courage, living judicial conscience and an unwavering commitment to the rule of law, which this Court acknowledges with approval.

4. Having heard learned counsel for the parties and after perusing the averments made in the writ petition, and being guided by the prima facie material indicating brutal violation of human rights during custody, this Court finds it appropriate to admit the writ petition.

5. Accordingly, the writ petition is admitted.

6. Issue notice.

7. Notice need not to be issued as Shri Deepak Choudhary appears for the respondents.

8. This Court, placing trust upon the assurance extended by the learned GA-cum-AAG that all necessary steps shall be undertaken to bring the true factual position on record, directs that the matter be listed on 16.02.2026 for submission of the progress report.

9. List the matter on 16.02.2026 in the "part-heard" category.

10. It is further clarified that the petitioner shall remain at full liberty to raise all permissible pleas and contentions, including with regard to the applicability of Section 59 of the NDPS Act and the relevant provisions of the BNS relating to fabrication of false evidence for procuring a sentence of more than ten years, before the learned Judicial Magistrate, Pratapgarh. The learned Magistrate shall consider and examine the said issues strictly in accordance with law, uninfluenced by any observation made herein, and pass appropriate orders as may be warranted on the basis of the material available on record.





11. The stay petition is, for the present, disposed of. However, liberty is reserved with this Court to pass further interim orders, if the circumstances so warrant, in this very writ petition.

(FARJAND ALI),J

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