

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

D.B. Habeas Corpus Petition No. 91/2026

Sabir Sheikh

-----Petitioner

Versus

State Of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG Mr. Sita Ram, ASI Smt. Archana, P.S. Bhimganj

HON'BLE MS. JUSTICE REKHA BORANA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

27/02/2026

1. In pursuance to order dated 26.02.2026 passed yesterday by this Court, the Corpus has been produced before the Court today.
2. After perusing the documents available on record/case diary, it is clear that the date of birth of the Corpus is 12.09.2008. Meaning thereby, she is a minor as of date.
3. Interestingly, the Investigating Officer, while ignoring all the documents pertaining to her admission at the inception in the school, reflecting her date of birth to be 12.09.2008, and even overlooking the birth certificate issued in the year 2015, relied upon the birth certificate issued in the year 2025 which reflected the date of birth of the Corpus to be 12.09.2006. How the said has been done is incomprehensible. When there were specific documents available before the Investigating Authority reflecting the age of the Corpus to be 12.09.2008, how he ignored all the

said documents and relied only on the birth certificate issued in the month of May 2025 cannot be comprehended.

4. Interestingly, the Investigating Officer, on his own, concluded that the Corpus is a major and even proceeded on to release her so as to accompany the boy. It is only on the order being passed by the Court that the Corpus has been produced before the Court.

5. This Court is of the clear opinion that the Investigating Officer has clearly exceeded his jurisdiction and has acted in total contravention to law.

6. Let an enquiry be initiated against the Investigating Officer by the concerned Superintendent of Police. Appropriate Action be taken against him, if he is found guilty in the enquiry.

7. So far as the Corpus is concerned, it is evident that she is a minor. However, she has bluntly declined to go with her parents. Hence, she be lodged at Balika Grah, Ajmer for a period of three weeks.

8. Put up on 23.03.2026.

9. The corpus be produced again on the said date.

10. The Corpus specifically stated before this Court that she does not want to meet her parents when she would be at Balika Grah, Ajmer. In that view, the parents are directed not to try to contact the Corpus during her stay at Balika Grah.

(YOGENDRA KUMAR PUROHIT),J

(REKHA BORANA),J