

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

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

Sabir Sheikh S/o Shri Sherudin Sheikh, Aged About 40 Years,
Resident Of Purani Dhanmandi, Madina Chowk, Bhilwara, District
Bhilwara, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Home Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Superintendent Of Police, Bhilwara, Rajasthan.
3. The Station House Officer, Police Station Bhimgunj, Bhilwara, Rajasthan.
4. Sahil Bisayati S/o Salauddin Bisayati, Resident Of Purani Dhanmandi, Bhilwara, District Bhilwara, Rajasthan.
5. Kamaludin, S/o. Unknown, Resident Of Bhilwara, Bhimgunj, District Bhilwara, Rajasthan.
6. Salauddin, S/o. Unknown, Resident Of Purani Dhanmandi, Bhilwara District Bhilwara, Rajasthan.
7. Irshad Bisayati, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.
8. Rahmanuddin Bisayati, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.
9. Imran Bisayati, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.
10. Aashik Ali, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.
11. Wasim, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.
12. Reshma, W/o. Unknown, Resident Of Purani Dhanmandi,

Bhimgunj, Bhilwara District Bhilwara, Rajasthan.

13. Sabir Bisayati, S/o. Unknown, Resident Of Purani Dhanmandi, Bhimgunj, Bhilwara District Bhilwara, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Bharat Gurjar
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG Mr. Naman Mohnot, for respondent No.4 Mr. Sitaram, ASI, P.S. Bhimgunj, Bhilwara

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

23/03/2026

1. Heard learned counsel for the parties.
2. The present habeas corpus petition has been filed by the petitioner, who is the father of the corpus Mst. 'M'. It has been alleged in the petition that the corpus Mst. 'M' is in illegal detention of private respondent Nos.4 to 13.
3. In pursuance of the directions issued by this Court, the corpus Mst. 'M' was produced this Court. On being confronted with her by the co-ordinate Bench of this Court, she was adamant that she is major and wanted to go and live with respondent No.4 only, therefore, the co-ordinate Bench vide order dated 27.02.2026 sent the corpus Mst. 'M' to Balika Grah, Ajmer and from there, she has been produced before this court today.
4. Learned counsel for the petitioner submits that as per the documents produced on record, the date of birth of the corpus

Mst. 'M' is "09.12.2008" and since she is a minor, therefore, her custody cannot be handed over or allowed to be retained by the private respondents. Learned counsel further submits that the corpus Mst. 'M' is in illegal detention of the private respondents and, therefore, her custody may be handed over to the petitioner, who is the father of the corpus Mst. 'M'.

5. Learned AAG has produced before this Court the documents recovered by the Police during the course of investigation. Learned AAG submits that in the first school certificate of the corpus Mst. 'M' her date of birth is reflected as "12.09.2006". A copy of the registration form of LKG issued under the signatures of Head Mistress of The Wisdom Home School, Bhilwara has been produced before us along with the Scholar Register of the same school and the birth certificate issued by the Registrar of the Directorate of Economic and Statistics, Bhilwara showing the date of birth of the corpus Mst. 'M' as "12.09.2006".

6. In support of his submissions, learned AAG has produced some other documents before this Court, wherein the date of birth has been shown as "12.09.2006". An affidavit under the signatures of the petitioner has also been produced showing the date of birth of the corpus Mst. 'M' as "12.09.2006". On the strength of these documents, learned AAG submits that the Investigating Agency has rightly come to the conclusion that the date of birth of the corpus Mst. 'M' is "12.09.2006".

7. The corpus Mst. 'M' has been produced before us. We have conferred with the corpus Mst. 'M'. The corpus Mst. 'M' has stated before us that she is 18 years of age and has studied uptill 10th standard. She understands her well being quite well. The date of

birth in some of the documents has been recorded as "09.12.2008". She has stated before us that the date of birth was changed by her father on account of getting certain benefits from the State Government. She consistently stated that her date of birth is "12.09.2006". The corpus Mst. 'M' further stated that she is not in the illegal detention of private respondent Nos.4 to 13 and she has solemnized '*Nikah*' with the respondent No.4 and she is being a major lady is well within her rights to live at a place and a person of her own choice.

8. We have considered the submissions made before us and the statements made by the corpus Mst. 'M'.

9. The documents of the first admission of the first school and Scholar Register produced before us are of the year 2011-12 issued under the signature of the Head Mistress of The Wisdom Home School, Bhilwara, wherein, the date of birth of Mst. 'M' has been shown as "12.09.2006". In some of the other documents including the affidavit of the petitioner, the date of birth of the corpus Mst. 'M' has been shown as "12.09.2006", however, in certain other documents, the date of birth has been shown as "12.09.2008".

10. In the considered opinion of this Court, since in the documents of the first school, the date of birth of corpus Mst. 'M' is shown as "12.09.2006" and since those documents are of the years 2011-2012, therefore, it cannot be presumed that the parents of the corpus at the relevant point of time have given the incorrect/wrong date of birth of the corpus Mst. 'M' to be "12.09.2006", more particularly, in all documents collected by the Investigating Agency, the date of birth of corpus Mst. 'M' is found

to be "12.09.2006". Further, although subsequently issued documents reflect the date of birth of the corpus to be "12.09.2008", but they will not get precedence over the documents, which were issued in the initial stage of admission of the corpus Mst. 'M'. Even otherwise, the subsequently issued documents does not inspire confidence.

11. Taking into consideration the date of birth of the corpus Mst. 'M' to be "12.09.2006", we are of the view that the corpus Mst. 'M' is 18 years of age and since she is educated and understands her well being quite well, therefore, in view of the statements made by her that she is not under any illegal detention of the private respondents, we are not inclined to entertain the present habeas corpus petition.

12. Thus the present habeas corpus petition is devoid of any force and the same is hereby dismissed. The corpus Mst. 'M' being a major educated lady is free to live at a place and with a person of her own choice.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J