

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

S.B. Criminal Writ Petition No. 1955/2026

1. Nisha Bairwa D/o Laxman Bairwa, Aged About 20 Years, Resident Of Rajiv Gandhi, Pathshala Ke Pas, Gurjaron Ka Mohalla, Rajwas, Tonk, Rajasthan, At Present Residing At Sector -14, K.b.h.b., Jodhpur, Rajasthan.
2. Braham Singh Gurjar S/o Jagdish Gurjar, Aged About 20 Years, Resident Of Karadi, Rathod, Sawai Madhopur, Rajasthan At Present Residing At Sector-14, K.b.h.b., Jodhpur Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Home Affairs, Govt. Of Rajasthan, Jaipur.
2. The Commissioner Of Police, Jaipur Rajasthan.
3. The Commissioner Of Police, Jodhpur, Rajasthan.
4. The Superintendent Of Police, Tonk, Rajasthan.
5. Sho, Police Station, Niwai(Rajwas) Tonk, Rajasthan.
6. Laxman Bairwa S/o Pannalal Bairwa, R/o Rajwas, Niwai, Tonk, Rajasthan.
7. Mukesh Bairwa S/o Badri Bairwa, R/o Rajwas, Niwai, Tonk, Rajasthan.
8. Pannalal Bairwa S/o Bhura Bairwa, R/o Rajwas, Niwai, Tonk, Rajasthan.
9. Pyar Singh Gurjar S/o Pukhraj, R/o Karadi Bonli, Sawai Madhopur, Rajasthan.
10. Bhanwar Singh Gurjar S/o Pukhraj, R/o Karadi Bonli, Sawai Madhopur, Rajasthan.

-----Respondents

For Petitioner(s) : None present

For Respondent(s) : Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

30/04/2026

1. The present Criminal Writ Petition has been preferred under Article 226 of the Constitution of India seeking directions to the official respondents to provide protection to the petitioners, who apprehend threat to their life and personal liberty at the hands of the private respondents.
2. The right to life and personal liberty is a fundamental right and cannot be compromised. The assessment of threat perception and requirement of protection lies within the domain of the police authorities, who are duty bound to ensure that no person takes law into their own hands.
3. Considering the grounds taken in the writ petition and the circumstances of the case, it appears to this Court that a genuine and imminent apprehension of threat to the life and personal liberty of the petitioners exists. The right guaranteed under Article 21 of the Constitution of India is sacrosanct and stands on the highest pedestal amongst all fundamental rights. It is well settled that the expression "life" under Article 21 does not connote mere animal existence but encompasses the right to live with human dignity, safety and without fear. This Court cannot remain a mute spectator when such valuable fundamental rights are put in jeopardy. The constitutional mandate casts a positive obligation upon the State and its instrumentalities to protect and preserve the life and liberty of every individual and to ensure that no person takes the law into his or her own hands. Whenever a palpable threat to life is brought to the notice of this Court, it

becomes not only appropriate but imperative for the Court to step in and ensure that the rule of law prevails. In such matters, this Court does not hesitate to intervene where the protection of life and personal liberty is at stake.

4. Accordingly, the petition is disposed of with a direction to the petitioners to appear before the Commissioner/Superintendent of Police concerned within 15 days and submit a representation indicating the source of threat. The concerned officer shall examine the grievance, assess the threat perception and pass appropriate directions, if required, in accordance with law. Necessary coordination with the concerned police authorities may also be undertaken.

5. It is clarified that this Court has not recorded any definitive finding with regard to the legitimacy of the relationship claimed by the petitioners, their age, the validity of the alleged marriage or the genuineness of the documents relied upon by them, and all such aspects shall remain open for enquiry and investigation by the competent authority, in accordance with law. It is further made clear that any observation made herein shall not affect any civil or criminal proceedings, if any, pending or to be initiated in accordance with law.

6. The petition stands disposed of. Pending applications, if any, also stand disposed of.

(FARJAND ALI),J