

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

D.B. Habeas Corpus Petition No. 50/2026

Gaurav Kumar Prajapat S/o Kailash Chand Prajapat, Aged About 28 Years, R/o Vill. - Raneela, Tehsil - Bamanwas, Sawai Madhopur, Rajasthan, 322211, Presently Residing At Plot No. 130 A, Kailashpuri, Vijaypura, PS Jamdoli, Jaipur

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Home Department, Government Secretariat, Jaipur.
2. Add. D.G.P. Anti Human Trafficking Unit, Jaipur
3. S.H.O., Police Station Jamdoli, Distt. Jaipur East.
4. DCP, Jaipur East, Police Commissionerate.
5. Kamlesh Bairwa, R/o Mandaliya, Premanandpura, Bairwa Ki Dhani, Near Dairy- Thakur Ji Mandir, Chaksu, Jaipur.
6. Dhanraj Bairwa S/o Ratan Lal Bairwa, R/o 01, Shiv Shakti Nagar, Shivdaspura, Jaipur, Rajasthan.

----Respondents

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For Petitioner(s)	:	Mr. Kuldeep Singh Meena
For Respondent(s)	:	Mr. Rajesh Choudhary, GA cum AAG with Mr. Aman Agarwal Ms. Neha Goyal Mr. Vinod Sharma Mr. Himanshu Singh, RPS, SHO, Police Station Jamdoli, Jaipur Santosh Kumar, HC-503 Ms. Urmila,FC-2543

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**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**  
**HON'BLE MR. JUSTICE BHUWAN GOYAL**

**Order**

**30/03/2026**

Pursuant to order of this Court, Ms. 'NP' has appeared on her own.

Indisputably, she is major.

On interaction, she submitted that she is residing with Mr. Kamlesh Bairwa out of her free will and is not in illegal detention.

In view thereof, this Court is convinced that this habeas corpus petition is not maintainable as Ms. 'NP' is not in illegal detention. However, learned counsel for the petitioner insists that still, this Court has jurisdiction to interfere in the matter as Ms. 'NP' is his legally wedded wife and there is an allegation against Mr. Kamlesh Bairwa for eloping with another girl on an earlier occasion. He, therefore, prays that the habeas corpus petition be allowed and custody of Ms. 'NP' be handed over to him.

However, we don't find any substance in the submission. Since, Ms. 'NP' is major and has categorically stated before this Court that she is not in illegal detention, we do not find this habeas corpus petition to be maintainable. Merely because the petitioner is husband and against the person with whom Ms. 'NP' is residing out of her free will, there is an allegation of eloping with another girl in a Missing Person Report, this Court does not acquire jurisdiction to issue direction to hand over her custody to the petitioner under Article 226 of the Constitution of India. In view thereof, prayer of the petitioner is found to be wholly misconceived. Resultantly, this habeas corpus petition is dismissed with a cost of Rs. 25,000/- which shall be deposited by the petitioner with Mukhyamantri Vidyadaan Kosh through official Gyan Sankalp Portal, Government of Rajasthan within a period of four weeks from today and shall submit the receipt thereof in the office.

(BHUWAN GOYAL),J  
Ritu/2

(MAHENDAR KUMAR GOYAL),J