

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 14955 of 2026

(KHIZAR KHAN Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WP/14960/2026, WP/14961/2026

Dated : 22-04-2026

Shri H.S. Chhabra - Advocate for the petitioners.

Shri B.D. Singh - Deputy Advocate General for the respondent/State.

1. Petitioners have filed the subject habeas corpus petitions contending that the corpus were illegally detained by the police at the police Station Cyber Crime, Bhopal on wee hours of 20th April, 2026 around 3:00 am and they have not been produced before any Magistrate for two days.

2. Learned Deputy Advocate General appearing for the State submits that the corpus were initially called to the police Station on some oral information received from the police at Rajasthan and since the corpus were cooperating they were questioned and thereafter handed over to their family members on 20th April, 2026 itself. Subsequently, at about 8:30 pm, a telephonic call was received from the Rajasthan Police with regard to the registration of an FIR and keeping the corpus in custody till they come to take their custody.

3. It is stated that since the corpus were cooperating no action was taken till the next morning. The corpus came at around 12:00 Noon along with their relatives to the Cyber Cell, Bhopal. Subsequently the officers of the Rajasthan Police came there and corpus were handed over to the officers of the Rajasthan Police who took them away. It is stated by learned Deputy Advocate General that there is no record forwarded to him of the detention of the corpus or their arrest or any document of the custody of handing them over to the Rajasthan Police. He states that as per his instructions the corpus were not produced before the

concerned Magistrate for police remand or transit remand of any nature by the officers of the Madhya Pradesh Police or Rajasthan Police.

4. Learned counsel for the petitioner submits that the entire version on behalf of the respondent is false and fabricated. He submits that the corpus were detained on the wee hours of 20th April, 2026 and not produced before any Magistrate, even for a transit remand and were simply detained and handed over to the Rajasthan Police without following any procedure of law. He submits that corpus were never arrested and two of corpus were detained from 3:00 am on 20th April, 2026, and the 3rd corpus Nikhil Prajapati was kept detained from 10:00 am on 20th April, 2026 till the officers of the Rajasthan Police illegally took them away on 21th April, 2026.

5. He submits that this fact can be fortified by the production of the CCTV footage from the Police Transport and Research Institute Jahangirabad, Bhopal. He seeks leave to file applications for amendment to implead the State of Rajasthan and the officers of the Rajasthan Police being I.A. No.7847/2026 in WP No. 14955/2026, I.A. No.7845/2026 in WP No. 14960/2026 and I.A. No.7844/2026 in WP No. 14961/2026.

6. Since, it is case of the respondents themselves that three corpus were present in their police Station though not in custody and they had permitted the officers of the Rajasthan Police to take them away without any judicial order or transit remand, we deem it expedient to allow the applications and implead the proposed respondent i.e. The State of Rajasthan, Officers of the SHO Police Station Jyoti Nagar and Mr. Sajjan Singh, Inspector of Police Station Jyoti Nagar as parties. The applications are allowed.

7. Let amended petition and memo of parties be filed within two days.

8. Necessary amendment be incorporated in the paper book.

9. Issue notice.

10. Notice is accepted by learned counsel appearing for the respondent No.1 to 3 notice shall issue to the newly added respondents, returnable on 27th April, 2026.

11. In addition, notice on the newly added respondent be served through office of Commissioner of Police, Bhopal.

12. The Commissioner of Police, Bhopal is also directed to look into the allegations of the petitioners as well as the admitted infraction of law as noticed herein above and submit a report to this court on the next date of hearing.

13. Newly added respondents i.e. the Rajasthan Police are directed to produce the corpus on the next date of hearing.

14. The respondent / Madhya Pradesh Police shall also produce the CCTV footage of the Police Transport and Research Institute Jahangirabad, Bhopal from 2:00 am on 20th April till 5:00 pm 2026 on 21st April, 2026 for perusal of the court.

List on 27.04.2026.

It would be open to the corpus to take their appropriate remedies in accordance with law before appropriate court at Rajasthan without prejudice to the pendency of this petition.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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