



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

S.B. Criminal Writ Petition No. 851/2026

Puranmal S/o Suratmal, Aged About 44 Years, R/o Flat No. 57,  
Ashoka A.g. As. Green, Apnagar Shalimar District Alwar

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Ministry Of Home Affairs, Jaipur
2. Director General Of Police, Raj, Jaipur
3. The Inspector General Of Police, Jodhpur Range, Jodhpur
4. The Superintendent Of Police, Nagaur, Rajasthan
5. The Superintendent Of Police, Sirohi, Rajasthan
6. The Sho, Merta City District Nagaur, Rajasthan
7. Dharmesh Dayama, C.i. P.s. Merta City District Nagaur, Rajasthan
8. Jagdish Meena S I, P.s. Merta City District Nagaur, Rajasthan
9. Udaram Constable, P.s. Merta City District Nagaur, Rajasthan
10. Investigation Officer, Fir No. 195//2025 P.s. Merta City District Nagaur, Rajasthan

----Respondents

For Petitioner(s) : Mr. Ramniwas Haniya  
For Respondent(s) : Mr. Deepak Choudhary, AAG assisted  
by Mr. NS Chandawat,PP

**HON'BLE MR. JUSTICE FARJAND ALI**  
**Order**

**DATE OF CONCLUSION OF ARGUMENTS** : **27/04/2026**  
**DATE ON WHICH ORDER IS RESERVED** : **27/04/2026**  
**FULL ORDER OR OPERATIVE PART** : **Full Order**  
**DATE OF PRONOUNCEMENT** : **27/05/2026**

**BY THE COURT:-**

1. The instant writ petition has been instituted by the petitioner under Article 226 of the Constitution of India, seeking appropriate reliefs against the alleged acts of public humiliation and indignity



inflicted upon him, wherein he was forcibly subjected to the shaving of his head, attired in women's clothing, and paraded through a crowded marketplace.

1.1 It has further been averred that photographs and videos of the said incident were widely circulated on various social media platforms, thereby causing grave prejudice to the petitioner's dignity, reputation, and fundamental rights guaranteed under the Constitution.

2. Briefly stated the facts of the case are that the petitioner was allegedly taken away from his residence on 30.07.2025 by certain persons in plain clothes without disclosure of identity, warrant, or grounds of arrest, and was thereafter subjected to custodial assault at Police Station Sadar, Alwar. It is averred that he was subsequently handed over to the police officials of Police Station Merta City, District Nagaur, who, before producing him before the competent Court, forcibly shaved his head, dressed him in women's clothes, and paraded him through a crowded market, while photographs and videos of the incident were circulated on social media and news channels, causing grave humiliation and irreparable damage to his dignity and reputation.

2.2 The petitioner further asserts that despite severe custodial violence and implication in multiple FIRs, no recovery whatsoever has been effected from him nor any material evidence connects him with the alleged offences. Aggrieved by the alleged unconstitutional acts, abuse of police authority, and violation of his fundamental rights under Articles 14, 19 and 21 of the





Constitution of India, the petitioner has approached this Court by way of the present writ petition.

3. This Court on the last occasion directed the Superintendent of Police, Nagaur to remain present and to furnish an explanation as to why suitable action be not taken against him. He is present in person and has also furnished an explanation in which he stated that the petitioner was arrested in connection with FIR No. 195/2025 PS Merta City, Nagaur during the course of investigation relating to offences of cheating and that, at the time of arrest, the petitioner and co-accused were already wearing female attire in order to conceal their identity and evade arrest. It has further been asserted that the accused persons were brought to Police Station Merta City in the same condition in which they were apprehended and no act of forcibly dressing the petitioner in women's clothes or shaving his head was committed by the police authorities. The explanation further states that no custodial assault was inflicted upon the petitioner, that recoveries were effected during investigation, and that the petitioner has several criminal antecedents. It has also been averred that the photographs in question were captured by third persons during production before the competent Court and that, except issuance of a routine press note, no photographs or videos were circulated by the police authorities on social media.

4. Heard learned counsel appearing on behalf of the petitioner and learned AAG as well as perused the material available on record.





5. This Court is unable to persuade itself to accept the explanation furnished by the Superintendent of Police, Nagaur in its entirety. It does not appeal to reason, nor does it comport with ordinary human conduct, that a person desirous of concealing his identity would voluntarily shave his head, attire himself in women's clothing, and thereafter permit himself to be paraded through a crowded public market, exposing himself to ridicule, humiliation and public gaze. Had the intention truly been to avoid identification, the natural conduct would have been to avoid any public exposure whatsoever rather than to invite a spectacle before society at large. A careful perusal of FIR No.195/2025 registered at Police Station Merta City, Nagaur further reveals that the complainant had already described the physical appearance, attire and features of the alleged accused persons at the time of the incident itself. The occurrence in question is stated to have taken place on 21.07.2025, whereas the arrest was effected on 30.07.2025. In such circumstances, this Court finds it wholly implausible, rather beyond the realm of reasonable probability, that the accused persons had continued to remain in women's attire for such a prolonged duration and had themselves partially and crudely shaved their heads in the manner reflected in the photographs placed on record. The explanation sought to be offered, therefore, prima facie appears to be an attempt to gloss over an incident which strikes at the very core of human dignity and constitutional morality.





6. This Court in the case of **Islam Khan & Ors. v. State of Rajasthan & Anr.** [S.B. Criminal Writ Petition No. 224/2026] has already dealt with the issue involved in this case, whereby certain directions has also been passed by this Court. For ready reference, the relevant paragraphs of the order are reproduced herein below:-

“11. I have heard the counsels appearing on behalf of the parties and the amicus curiae as well as perused the material available on record.

12. Upon a careful and conscientious perusal of the material available on record, this Court is constrained to observe that the conduct of the police officials reflects a palpable overreach of authority. Such exercise of power, which neither finds sanction under the COI nor under any statutory enactment in force, cannot be countenanced in a system governed by the rule of law. The criminal justice framework, as envisaged by the legislature, is neither silent nor ambiguous, every offence is accompanied by a prescribed procedure, a defined punishment, and a designated authority competent to adjudicate and impose such punishment. It is, therefore, not open to any authority to assume unto itself powers that have not been conferred by law. When power, not vested by statute, is nonetheless exercised, and that too in a manner alien to the procedure established by law, it strikes at the very foundation of legality and results in a manifest abuse of authority. Such transgression not only vitiates the process but also erodes public confidence in the justice delivery system.

12.1 At the very threshold, it becomes imperative to advert to the doctrine of constitutional morality, which forms the bedrock of our democratic polity. Constitutional morality mandates that every organ of the State act within the confines of its lawful authority, with due regard to the rights and dignity of individuals. Any deviation therefrom has far-reaching consequences, impacting not only the legal rights of a person but also inflicting deep psychological, mental, and, in certain cases, even physical trauma.

**Constitutional Morality and Limits on State Power**

13. This Court cannot remain a silent spectator to a situation where the police, under the guise of transparency or public accountability, arrogates unto itself the role of judge in the court of public opinion. The doctrine of constitutional morality, which permeates the entire





constitutional framework, mandates that every action of the State must conform to the principles of fairness, reasonableness, and respect for individual dignity. Any act that falls foul of these principles cannot be justified on grounds of administrative expediency or public sentiment. The argument that such disclosures are necessary to maintain public confidence in the police is fundamentally flawed, for confidence in the justice system is not built upon spectacle, but upon adherence to due process and the rule of law. The police, being an instrumentality of the State, is bound by constitutional discipline and cannot transgress into domains reserved exclusively for the judiciary.

13.1 In a constitutional democracy, the entire framework of governance is anchored in the doctrine of separation of powers, a principle that acts as a safeguard against arbitrariness and concentration of authority. The three organs of the State, the Legislature, the Executive, and the Judiciary, are not merely functional divisions but are constitutionally ordained institutions, each entrusted with distinct and well-defined roles. The Legislature, as the representative will of the people, is vested with the power to enact laws; the Executive is duty-bound to implement and enforce those laws in their true spirit; and the Judiciary stands as the final arbiter, interpreting the law and ensuring that justice is dispensed in accordance with constitutional mandates. This harmonious distribution of powers is not accidental but is essential to preserve the rule of law and prevent the rise of absolutism.

13.2 It is a settled principle that when any organ of the State ventures beyond its prescribed limits and encroaches upon the domain of another, such action amounts to an excess of power and is liable to be curtailed. The COI does not permit overlap in a manner that disturbs this institutional equilibrium. Rather, it envisions a system of checks and balances where each organ functions independently, yet remains accountable within its sphere. Within this framework, the police, as an essential limb of the Executive, occupy a position of immense responsibility. Their primary duty is to enforce the law, maintain public order, and ensure the safety and security of citizens. However, this authority, significant as it is, remains circumscribed by legal boundaries. The function of determining guilt, adjudicating disputes, or pronouncing upon the rights and liabilities of individuals is the exclusive domain of the Judiciary. The police cannot, under the guise of investigation or enforcement, assume the role of a judge or engage in acts that resemble judicial determination. Any transgression by the police into the judicial sphere, whether by declaring an accused guilty in the public domain,





conducting actions that prejudice a fair trial, or exercising powers not sanctioned by law, would not only be without jurisdiction but would also strike at the very heart of due process. Such conduct undermines public confidence in the justice delivery system and dilutes the constitutional promise of fairness and impartiality. Therefore, it is imperative that each organ of the State remains confined within its constitutional limits. The strength of a democracy lies not in the dominance of one organ over another, but in their balanced coexistence. The police must discharge their duties with diligence and integrity, but always within the contours of law, refraining from encroaching upon the sacrosanct domain of the Judiciary, for it is only through such disciplined adherence to constitutional principles that the rule of law can truly prevail.

13.3 It is deeply disquieting to note a growing tendency wherein the police, in ostensible exercise of their investigative powers, indulge in practices such as publicizing photographs of accused persons on social media, subjecting them to so-called "perp walks", and exhibiting them in a manner calculated to invite public gaze and opprobrium. Instances where individuals are made to sit in humiliating conditions and their images are widely circulated, including those of women, are particularly alarming, as such acts carry far-reaching consequences upon their dignity, reputation, and future prospects. At a stage where the individual is merely an accused and the presumption of innocence remains intact, such conduct of the police assumes the character of a punitive measure, operating outside the authority of law. The power to punish is neither incidental to investigation nor vested in the Executive; it lies exclusively within the province of the Judiciary upon a finding of guilt established through due process. Any attempt by the police to subject an accused to public humiliation or social condemnation, prior to adjudication, amounts to an unwarranted usurpation of judicial function and is in the teeth of constitutional guarantees of fairness, dignity, and due process. Such actions not only prejudice the right to a fair trial but also erode the foundational principles of criminal jurisprudence, where punishment must follow conviction, and not precede it.

#### **Nature of Police-Driven Media Trial**

14. The phenomenon colloquially described as a "media trial by police". Such a practice is not a mere by-product of independent journalistic enthusiasm, but rather a State-engineered narrative, wherein the police machinery, through press conferences, orchestrated disclosures, circulation of photographs, and at times even staged representations of arrest, seeks to project an accused person as culpable even





before the due process of law has had an opportunity to unfold. Such conduct, in the view of this Court, amounts to a direct transgression of the foundational principles of criminal jurisprudence, particularly the presumption of innocence, which stands as a bulwark against arbitrary State action. The Hon'ble Supreme Court in **Rajendran Chingaravelu Vs. R.K. Mishra, Addl. Commissioner of IT and Ors.**, has unequivocally deprecated this growing tendency amongst investigating officers to prematurely inform the media of alleged breakthroughs, observing that such crude attempts to claim investigational credit not only jeopardise the integrity of the investigation but may, in certain cases, facilitate the escape of the actual offender.

**Psychological and Mental Impact: Institutional Humiliation**

15. What further aggravates the situation is the manner in which such media trials are operationalised through practices that can only be described as institutional humiliation, wholly inconsistent with the constitutional promise of dignity. The act of parading an accused before the media, the capturing and dissemination of photographs or videos within the confines of a police station, and the convening of press briefings wherein guilt is insinuated or declared, together constitute a systematic erosion of the individual's dignity and reputation. In the digital age, the consequences of such actions are neither fleeting nor reversible; rather, they assume a permanent character, leaving indelible scars upon the psyche and social standing of the individual, even in cases where eventual acquittal is secured. The right to life under Article 21 of the COI is not to be understood in a narrow or pedantic sense, but as encompassing the right to live with dignity, free from humiliation, stigma, and unwarranted public exposure.

15.1 Coming to the Greek concept of Ship of Theseus, from which we commenced this discussion, the enduring inquiry, whether a thing remains the same after all its parts have been replaced, aptly illuminates the condition of an individual subjected to institutional humiliation. The answer, in the present context, is neither abstract nor philosophical alone, but profoundly human, a person, once exposed to such degradation, does not remain the same thereafter.

The creation and circulation of lasting digital records, be it through photographs taken within the confines of a police station, or the indignity of images captured during custodial stripping in locker rooms, inflict a deep and irreparable psychological scar. Such acts transcend the immediate moment of indignity and acquire a permanence in the digital sphere, thereby perpetuating stigma and social condemnation. This injury does not stand effaced even





where the individual is subsequently exonerated of all allegations. The damage, once done, embeds itself into the psyche, impeding the natural course of cognitive and emotional evolution of the individual.

15.2 Human civilization, as it progresses, is premised upon the evolution of its institutions alongside its people. In a constitutional democracy governed by the principle of constitutional supremacy, the State and its instrumentalities are not relics of the past but are expected to embody the transformative ideals of the COI. The role of the police, therefore, cannot remain static or rooted in archaic practices that reflect a colonial consciousness of control and subjugation. It is of particular significance that the Indian Parliament has, in recent times, undertaken the exercise of shedding colonial vestiges by replacing antiquated penal laws. In parity of reasoning, it becomes imperative that the police machinery, too, undergoes a corresponding transformation in its functioning and approach. Practices that undermine dignity, violate privacy, or subject individuals to premature public condemnation are wholly incompatible with the tenets of constitutional morality and democratic values. The police, as guardians of law and order, must remain ever cognizant that their authority is circumscribed by the COI, and that the legitimacy of their actions flows not merely from statutory power but from adherence to the principles of fairness, dignity, and justice. Any deviation therefrom not only erodes public trust but also inflicts a lasting injury upon the very individuals whom the justice system is duty-bound to protect.

**What the Constitution Mandates?**

16. Equally, the interplay between Articles 19, 20, and 21 of the COI assumes critical significance in this context. While the freedom of speech and expression under Article 19(1)(a) of COI, including that of the press, remains a cherished right in a democratic polity, it is not unbridled, and must yield where its exercise results in interference with the administration of justice or the denial of a fair trial, as contemplated under Article 19(2) of COI. Article 20(3) of COI, which protects an accused against self-incrimination, is rendered illusory when investigative agencies publicly attribute confessions or involvement to an accused person prior to trial. Most importantly, Article 21 of COI guarantees not merely life, but a life with dignity, fairness, and due process, all of which stand compromised when an individual is subjected to public condemnation without adjudication.

16.1 The Law Commission of India, in its 200th Report on "Trial by Media" has meticulously documented the pernicious effects of prejudicial publicity, including distortion of bail proceedings, contamination of witness testimony, and the





irreversible tarnishing of reputation through publication of alleged confessions. The Hon'ble Supreme Court in **State of Maharashtra v. Rajendra Jawanmal Gandhi** has categorically held that trial by media is antithetical to the rule of law and capable of resulting in miscarriage of justice. **Interplay between Reputation and Human Dignity in Law**

(i) In the case of **Umesh Kumar vs. State of Andhra Pradesh**, Hon'ble the Supreme Court observed that the right to reputation is an intrinsic part of the right to life under Article 21 of the COI. The Court further observed that reputation constitutes a valuable facet of personal security and any injury thereto amounts to a personal wrong. It was further held that the right to freedom of expression under Article 19 of the COI is not absolute and must be balanced against the right to reputation of others. The Court also took note of the recognition of such rights under the International Covenant on Civil and Political Rights, 1966. For the ease of reference, the relevant paragraphs of the judgment are reproduced herein below:-

11. Allegations against any person if found to be false or made forging some one else signature may affect his reputation. Reputation is a sort of right to enjoy the good opinion of others and it is a personal right and an enquiry to reputation is a personal injury. Thus, scandal and defamation are injurious to reputation. Reputation has been defined in dictionary as "to have a good name; the credit, honor, or character which is derived from a favourable public opinion or esteem and character by report". Personal rights of a human being include the right of reputation. A good reputation is an element of personal security and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property. Therefore, it has been held to be a necessary element in regard to right to life of a citizen under Article 21 of the Constitution. International Covenant on Civil and Political Rights 1966 recognises the right to have opinions and the right of freedom of expression under Article 19 is subject to the right of reputation of others. Reputation is "not only a salt of life but the purest treasure and the most precious perfume of life." (Vide: Smt. Kiran Bedi and Jinder Singh v. The Committee of Inquiry and Anr. AIR 1989 SC 714; Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni and Ors. AIR 1983 SC 109; Nilgiris Bar Association v. T.K. Mahalingam and Anr. AIR 1998 SC 398; Dr. Mehmood Nayyar Azam v. State of Chattisgarh and Ors. AIR 2012





SC 2573; Vishwanath Sitaram Agrawal v. Sau Sarla Vishwanath Agrawal AIR 2012 SC 586; and Kishore Samrite v. State of U.P. and Ors. (2013) 2 SCC 398).

(ii) In the case of **Mehmood Nayyar Azam vs. State of Chhattisgarh & Ors.**, Hon'ble the Supreme Court held that any act of humiliation, mental torture, or degrading treatment inflicted upon an accused in custody is a direct infringement of the right to life with dignity under Article 21 of COI. The Court specifically condemned the act of forcing an accused to pose with self-incriminating placards and circulating such images, holding it to be inhuman and violative of dignity. It was further held that constitutional courts are empowered to grant compensation for such violations under Articles 32 and 226 of the COI.

(iii) In the case of **D.K. Basu vs. State of West Bengal**, Hon'ble the Supreme Court held that an arrested person does not forfeit their fundamental rights, including the right to life and dignity. The Court laid down detailed and mandatory guidelines to be followed during arrest and detention to prevent custodial abuse, ensure transparency, and uphold accountability of law enforcement agencies.

(iv) In the case of **Sunil Batra vs. Delhi Administration & Ors.**, Hon'ble the Supreme Court held that even prisoners are entitled to the protection of fundamental rights, and any form of cruel, inhuman, or degrading treatment is impermissible under Article 21 of the COI. The Court emphasized that a prisoner can never be stripped of the constitutional protections when he is imprisoned for any crime.

### **OPINION**

17. Ultimately, this Court reiterates that the power to investigate does not encompass the power to declare guilt. The criminal justice system, grounded in the presumption of innocence and the guarantee of a fair trial, cannot be permitted to be subverted by parallel narratives constructed outside the courtroom. In a society governed by the rule of law, justice cannot be overshadowed by publicity, nor can dignity be sacrificed at the altar of sensationalism. The COI demands that every individual, irrespective of the allegations levelled against them, be treated as innocent until proven guilty in accordance with law, and be protected against any form of State action that undermines that fundamental guarantee.

17.1 What is being inflicted in such situations is, in substance, a form of punishment that carries with it a lifelong stigma. The law, however, is clear and unambiguous: punishments are only those which are





prescribed within the statutory framework, and no court in India is empowered to travel beyond those limits. The police, it must be emphasised, are not vested with any authority to punish; their role is confined to investigation and maintenance of law and order. Even in the gravest of offences, such as murder, the consequences that follow must be in strict adherence to the procedure established by law and the punishments recognised therein. The practice of subjecting an accused to public condemnation through media exposure, staged photographs, or other such acts amounts to an extra-legal penalty. It is neither contemplated nor recognised by law. Section 53 of Indian Penal Code (corresponding to Section 4 of Bharatiya Nyaya Sanhita) delineates the contours of lawful custody, and the broader statutory scheme exhaustively prescribes the nature and extent of punishments that may be imposed including, death; imprisonment for life, that is to say, imprisonment for remainder of a person's natural life; Imprisonment, which is of two descriptions, namely- Rigorous, that is, with hard labour; Simple; Forfeiture of property; Fine and Community Service.

17.2 The courts, while awarding punishment, are guided by explicit statutory provisions; they cannot innovate or endorse penalties that find no mention in law. Consequently, any attempt by an investigating agency to impose or facilitate a form of "punishment" not recognised by statute, or even by the Apex court, must be viewed with serious constitutional concern. Such conduct not only transgresses the limits of lawful authority but also undermines the foundational principles of fairness, dignity, and the rule of law.

17.3 It must be ensured, with a heightened sense of responsibility, that individuals who bear no adverse antecedents, no blemished character, and no prior criminal history are not subjected to public parading or the dissemination of their photographs. Such acts, when undertaken prematurely, inflict unwarranted stigma and amount to a form of extrajudicial censure, wholly inconsistent with the presumption of innocence that lies at the heart of criminal jurisprudence. Equally, the mandate to uphold human dignity does not rest solely within the confines of Fundamental Rights under the COI, but extends to the broader canvas of human rights jurisprudence, to which India stands committed as a signatory to various international conventions, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These obligations are not ornamental in nature; they cast a binding duty upon the State and its instrumentalities to ensure that the dignity of





every individual is preserved, irrespective of the nature of the allegations against them. Even in cases involving heinous offences, or where the accused is alleged to be a habitual offender or history-sheeter, the guarantee of basic human rights does not stand eclipsed. The measure of a constitutional democracy is tested not in its treatment of the virtuous, but in its conduct towards those accused of the gravest transgressions. To disregard their basic human rights would be to erode the very foundation of the rule of law, replacing it with arbitrariness and excess. Thus, it is incumbent upon the law enforcement machinery to act with restraint, sensitivity, and an unwavering commitment to constitutional morality, ensuring that the process of investigation does not itself become a source of injustice.

**DIRECTIONS**

18. In view of the foregoing discussion, this Court is of the considered opinion that immediate and stringent corrective measures are imperative. It is deemed appropriate to pass the following directions: -

(i) It is hereby directed that strict adherence shall be maintained to all prescribed Standard Operating Procedures (SOPs). Any deviation or breach thereof shall invite appropriate and proportionate action against the erring police officials, in accordance with law.

(ii) It is further directed that no individual possessing an unblemished record and lacking serious criminal antecedents shall be subjected to public parading, disrobing, or any form of degrading treatment.

(iii) This Court unequivocally declares that any act of social media condemnation orchestrated or facilitated by police authorities, which results in public humiliation of an individual, shall be construed as a form of punishment. Such a mode of punishment finds no sanction in law. Police officials are, therefore, expressly prohibited from engaging in or abetting such practices, as they are not vested with the authority to impose punishment in any manner whatsoever.

(iv) The aforesaid guidelines shall be prominently displayed at all police stations, as well as on the official web portals of the Police Department, including the websites of the Director General of Police and the Home Department. The same shall be presented in the form of clear "Do's and Don'ts," along with reference to the present order, so as to ensure public awareness of rights and to secure institutional accountability.

(v) Lastly, it is directed that the basic human rights of every arrestee, as well as of any individual entering a police station with a grievance, shall be scrupulously respected. No person shall be subjected to misbehavior, mishandling,





manhandling, harassment, or any form of coercion under any circumstances.”

7. The Superintendent of Police, Nagaur, who was present before this Court in person, has assured the Court that due care and caution shall hereinafter be exercised by the police machinery to ensure that no such incident is repeated in future and that the dignity of individuals, even while in custody, shall be preserved in its true constitutional spirit. It has further been submitted on behalf of the police authorities that there existed no deliberate or malafide intention to malign the petitioner and that the photographs which surfaced on social media were not circulated with any oblique motive on the part of the department.

8. Taking into consideration the explanation tendered, the assurance extended before this Court, and while hoping and trusting that greater institutional sensitivity shall prevail in future while dealing with persons in custody, this Court refrains, for the present, from proceeding further against the officials concerned.

9. Accordingly, the present writ petition stands disposed of. However, liberty is reserved in favour of the petitioner to avail appropriate remedies available under law, including instituting proceedings for damages, compensation, or personal injury.

10. Stay petition and all pending application stands disposed of.

**(FARJAND ALI),J**

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