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WP-14955-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL
ON THE 7th OF JULY, 2026

WRIT PETITION No. 14955 of 2026

KHIZAR KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Harjas Singh Chhabra - Advocate for petitioner.

Shri Anshuman Singh and Shri Vasu Jain - Advocate for respondent No.4.

Shri Bramhadatt Singh - Additional Advocate General for respondent/State.

.....
WITH

WRIT PETITION No. 14960 of 2026

UDAY GHENGHAT

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Harjas Singh Chhabra - Advocate for petitioner.

Shri Anshuman Singh, Shri Vasu Jain and Shri Virraj Shanker Jha -
Advocate for respondent No.4.

Shri Bramhadatt Singh - Additional Advocate General for respondent/State.

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WRIT PETITION No. 14961 of 2026

ANAM AHAMAD

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
.....

**Appearance:**

Shri Harjas Singh Chhabra - Advocate for petitioner.

Shri Anshuman Singh, Shri Vasu Jain and Shri Virraj Shanker Jha -
Advocate for respondent No.4.

Shri Bramhadatt Singh - Additional Advocate General for respondent/State.

ORDER

Per. Pradeep Mittal J.

Since these three writ petitions arise out of a common set of facts, involve identical questions and have proceeded together on every preceding date before this Court, they are being disposed of by this common order, with Writ Petition No.14955/2026 being treated as the leading petition.

2. These petitions under Article 226 of the Constitution of India were instituted seeking issuance of a writ of Habeas Corpus for production and release of Bilal Khan, Nikhil Prajapati alias Atul Prajapati and Inam Ahmed, respectively, on the allegation that the said three persons had been illegally taken into custody by the officials of Police Station Cyber Crime, Bhopal in the intervening night of 19.04.2026/20.04.2026 and on the morning of 20.04.2026, without disclosure of grounds of detention, without registration of any offence and without preparation of any arrest memo, and were thereafter handed over to the police officials of the State of Rajasthan without formal arrest, transit remand or compliance with the statutory safeguards governing inter State transfer of an accused, in violation of Articles 21 and 22 of the Constitution of India. It was the specific case of the petitioners that the alleged detenus had merely forwarded, on certain WhatsApp groups, a social media post already in wide circulation, and that this act, without more, could not have justified their forcible detention.

3. Vide order dated 22.04.2026, taking note of the allegations and the admitted position that the corpus had remained with the Madhya Pradesh Police before being



taken to Rajasthan, this Court impleaded the State of Rajasthan and the concerned Rajasthan Police officials, issued notice, directed production of the corpus, called for a report from the Commissioner of Police, Bhopal, and directed production of the CCTV footage of the Police Transport Research Institute, Jahangirabad, Bhopal for the relevant period. On 27.04.2026, upon being informed that the corpus had already been remanded to judicial custody at Jaipur and could not be produced, this Court directed the Rajasthan Police to produce the corpus on the next date along with an officer conversant with the facts and all relevant documents, and further directed the State of Madhya Pradesh to produce the CCTV footage after reconciling the discrepancy in its time stamp. On 29.04.2026, the corpus were produced before the Court. The State of Rajasthan took the stand that the corpus had not been arrested in Madhya Pradesh and were formally arrested only on 22.04.2026 at Jaipur, and were thereafter produced before the competent Magistrate and remanded to custody, and that they had already been granted bail and were awaiting compliance of the bail conditions. Since the corpus disputed the versions of both the Madhya Pradesh and Rajasthan Police, this Court directed recording of their separate statements through the Chief Judicial Magistrate regarding the sequence of events from the time they were first contacted by the Madhya Pradesh Police until their production before the Magistrate at Jaipur, and further directed the concerned officers of both States to file detailed affidavits explaining the entire sequence of events.

4. The statements so recorded were placed before this Court in a sealed cover and were perused vide order dated 12.05.2026. Upon such perusal, this Court found that the statements prima facie disclosed a case of illegal detention, and accordingly directed the Commissioner of Police, Bhopal to treat the said statements as a complaint under the Bharatiya Nagarik Suraksha Sanhita and to take appropriate action in accordance with law, and to submit a report, while granting time to the States of Madhya Pradesh and Rajasthan to file further affidavits. Vide order dated 18.06.2026,



the respondent authorities informed this Court that compliance of the order dated 12.05.2026 had been made by filing the requisite affidavit/report, and the matter was accordingly adjourned to 07.07.2026, with the personal presence of the concerned Rajasthan Police officers being exempted, subject to liberty to join through video conferencing as and when required.

5. The report submitted on behalf of the Additional Deputy Commissioner of Police, Zone-2, Bhopal, together with the daily diary (Roznamcha Sanha) entries of Police Station Crime Branch, Bhopal and the CCTV footage obtained from the Police Transport Research Institute, Jahangirabad, Bhopal, sets out that on the night of 19.04.2026, on the basis of information received from the Rajasthan Police for verification of two suspect mobile numbers, a team of the Crime Branch, Bhopal traced Inam Ahmed and thereafter Bilal Khan and Nikhil Prajapati in the course of the night and the following day, and that all three, along with two family members who stood surety for their appearance, were let off on the evening of 20.04.2026 with directions to appear the next morning at the Cyber Crime Office, Kohefiza, Bhopal, where they in fact appeared at about 1:00 p.m. on 21.04.2026 and were handed over to the Rajasthan Police in the presence of their family members for further legal action. The report further records that upon scrutiny of the CCTV footage of the Police Transport Research Institute for the period from 19.04.2026 to 21.04.2026, after accounting for a twelve hour discrepancy found in the camera time stamp, no visuals were found of the three persons being brought into custody in a manner suggestive of illegal detention, and that notices issued to the two family members who had stood surety could not be served as they were found to be out of station. On this basis, the report concludes that the material gathered did not establish illegal detention of the three persons at the hands of the Bhopal Police.

6. The factual report submitted by the Deputy Commissioner of Police (South), Jaipur, sets out the registration of Case No.100/2026 under Sections 336(4), 340(2),



353(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66D of the Information Technology Act at Police Station Jyoti Nagar, Jaipur South, on a complaint by a crime reporter of a news channel regarding an AI manipulated video misusing the channel's identity, and the consequent investigation, which, through a chain of WhatsApp forwards traced across several mobile numbers and individuals in Bikaner, ultimately led to the involvement of Bilal Khan and Inam Ahmed, both residents of Bhopal, and their subsequent identification along with Nikhil Prajapati as having first put the video into circulation on Congress affiliated WhatsApp groups. The report records that a team of the Jaipur Police reached Bhopal on 21.04.2026, located the three suspects with the assistance of the Bhopal Crime Branch, obtained their attendance for investigation with the consent of their family members through written notices, and brought them to Police Station Jyoti Nagar, Jaipur on 22.04.2026, where, upon completion of interrogation and on the basis of the material and admissions that emerged, all three were formally arrested on the same day, information of the arrests was conveyed to their respective family members over telephone and thereafter by e-mail to the local police stations and control rooms concerned, and they were produced before the jurisdictional Magistrate, remanded first to police custody until 25.04.2026 and thereafter to judicial custody, and have since been granted bail, subject to compliance of the conditions imposed.

7. It is thus apparent that two distinct threads run through the record. The first concerns the conduct of the Bhopal Police between the night of 19.04.2026 and the afternoon of 21.04.2026, regarding which the statements of the corpus recorded through the Chief Judicial Magistrate were found, on a prima facie view recorded vide order dated 12.05.2026, to disclose a case of illegal detention, notwithstanding the subsequent report of the Bhopal Police asserting the contrary on the strength of CCTV footage and daily diary entries. This Court had, for that very reason, directed the said statements to be treated as a complaint under the Bharatiya Nagarik Suraksha Sanhita



and appropriate action to be taken in accordance with law, and compliance of that direction has since been reported. The second thread concerns the action of the Rajasthan Police, which, on the material placed before this Court, discloses that the three persons were formally arrested only on 22.04.2026 at Jaipur, were thereafter produced before the jurisdictional Magistrate within the period contemplated by law, were remanded to custody in due course, and have since been enlarged on bail.

8. The writ of Habeas Corpus is a writ of a specific and limited object, to test the legality of a person's detention at the time the Court examines the matter, and to secure the production and release of a person found to be illegally detained. Once the person in whose behalf the writ is sought stands produced before the Court and it emerges that he is either no longer in custody or is in custody pursuant to a lawful order of a competent court, the writ of Habeas Corpus has served its purpose and does not survive as a continuing remedy for the adjudication of past illegality, compensation, or disciplinary consequences, which fall to be examined in the appropriate proceedings and before the appropriate forum. The Supreme Court has consistently held that the precise nature of the writ of Habeas Corpus varies according to the exigencies of each case, that the writ is directed against illegal detention and its object is to secure release from such detention and not to punish the wrongdoer, and that once the detenu is either released or is found to be in custody pursuant to a valid order of remand or a competent authority, the petition for Habeas Corpus does not survive for further consideration on merits, though this does not preclude the person aggrieved from seeking such other remedies, including compensation, as may be available in law.

9. This Court finds that the corpus, namely Bilal Khan, Nikhil Prajapati alias Atul Prajapati and Inam Ahmed, stand produced before this Court in the course of these proceedings, were thereafter found to have been formally arrested at Jaipur pursuant to registration of Case No.100/2026, were produced before the jurisdictional



Magistrate and remanded to custody in accordance with law, and have since been released on bail. The object of the writ of Habeas Corpus, namely production and release of the corpus from illegal custody, therefore stands substantially achieved, and no useful purpose would be served by keeping these petitions pending any further on that score. As regards the conduct of the Bhopal Police in the period preceding the handing over of the corpus to the Rajasthan Police, this Court has already, vide order dated 12.05.2026, directed that the statements recorded through the Chief Judicial Magistrate be treated as a complaint under the Bharatiya Nagarik Suraksha Sanhita and appropriate action taken thereon, and it is reported that compliance has been made. That inquiry, having been separately set into motion, must be allowed to proceed and be taken to its logical conclusion strictly in accordance with law, uninfluenced by any observation made in this order, which is confined to the disposal of the writ of Habeas Corpus and does not amount to an adjudication, one way or the other, of the rival contentions regarding the legality or otherwise of the custody of the corpus prior to their formal arrest at Jaipur.

10. In view of the foregoing, all three writ petitions, namely Writ Petition No.14955/2026, Writ Petition No.14960/2026 and Writ Petition No.14961/2026, are disposed of as having served their purpose, the corpus having been released on bail by competent court and being no longer in illegal detention.

11. It is, however, made clear that the department inquiry registered against the cope Sajjan Sing at Jaipur dated 20.05.2026 shall proceed to its logical conclusion strictly in accordance with law, and nothing in this order shall be construed as an expression of opinion, either way, on the merits of that inquiry.

12. It is further made clear that the chief judicial Magistrate Bhopal complied with the order dated 12/5/26 whereby direction was given to record the statement of corpus and statement be treated as a complaint under the Bharatiya Nagarik Suraksha Sanhita and appropriate action taken thereon.



13. The corpus, shall be at liberty to seek such compensation or other reliefs as may be permissible in law, on the basis of the alleged illegal detention, before the appropriate forum/competent Court in accordance with law. Any observation made by us in these writ petitions, would not affect the Departmental Enquiry or any other independent proceedings.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

Praveen

(PRADEEP MITTAL)
JUDGE