



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

S.B. Criminal Miscellaneous (Petition) No. 4784/2019  
URN: CRLMP / 8802U / 2019

Prem Prakash Bidyasar S/o Shri Gyanendra Singh  
-----Petitioner

Versus

State of Rajasthan  
-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5460/2019  
URN: CRLMP / 10049U / 2019

Prashant Saini S/o Shri Kapur Chand Saini  
-----Petitioner

Versus

State Of Rajasthan  
-----Respondent

S.B. Criminal Miscellaneous (Petition) No. 4672/2020  
URN: CRLMP / 7786U / 2020

Prabha Yadav W/o Sh. Laxmi Chand Yadav  
-----Petitioner

Versus

State of Rajasthan  
-----Respondent

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|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | : Mr. Jaswant Singh Rathore<br>Mr. Namo Narayan Meena for<br>Mr. Harendra Singh<br>Ms. Aditi Chulet<br>Mr. Chandra Shekhar                                                                                                                                                                                                                                     |
| For Respondent(s) | : Mr. Rajesh Choudhary-GA cum AAG<br>Mr. Manvendra Singh Shekhawat-PP<br>Mr. V.K.Singh-Addl.DGP (Law &<br>Order)- through VC<br>Mr. B.K. Pandey-Addl.DGP (Crime)-<br>through VC<br>Mr. Hitesh Mehta-Addl.S.P. (Crime<br>Branch)<br>Mr. Rajesh Kumar Sharma-Addl. DCP<br>Mr. Purshotam Mehriya-SHO, Pratap<br>Nagar<br>Mr. Manvendra Singh-SHO, Pratap<br>Nagar |
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**JUSTICE ANOOP KUMAR DHAND**



**21/07/2026**



1. This Court has noticed and felt on various occasions that the investigation of several criminal cases could not be completed expeditiously and the same remained pending for a considerable long period, since in many cases, the same Investigating Officer, who has been assigned the task to investigate the matter has also been assigned other duties of maintaining law and order in the concerned area. Under these circumstances, it becomes very difficult for such Investigating Officers to discharge both the duties simultaneously.

2. For separation of investigation work from maintaining law and order, even the Law Commission of India in its 154<sup>th</sup> Report has recommended such separation to ensure speedier investigation, better expertise and improved rapport with the people without, of course, any watertight compartmentalisation in view of both functions being closely interrelated at the ground level.

3. In discharge of its constitutional duties, this Court deems it just and proper to observe that certain directions are required to be issued to the State Government for separation of two wings, i.e., one wing for investigation and the other wing for maintaining the law and order, so that no delay occurs in conducting the investigation and arriving at its conclusion.

4. The Investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. There should be full co-ordination between these two wings. The separation, to start with,



may be effected in towns/urban areas which have a population of ten lakhs or more and gradually extended to smaller towns/urban areas as well.

5. In the case of **Prakash Singh & Ors. Vs. Union of India and Ors.** reported in **(2006) 8 SCC 1**, the Hon'ble Apex Court has issued clear and specific directions to the Central as well as the State Governments to bring appropriate legislation by way of bringing new Police Act for separation of investigation work from law and order. Even the Hon'ble Apex Court, after studying various committee reports on police reforms, has laid down certain directions in the nature of police reforms to be operative until the new Police Act is framed. It is necessary to quote the following excerpt from the judgment:

"It is not possible or proper to leave this matter only with an expression of this hope and to await developments further. It is essential to lay down guidelines to be operative till the new legislation is enacted by the State Governments. Article 32 read with Article 142 of the Constitution empowers this Court to issue such directions, as may be necessary for doing complete justice in any cause or matter. All authorities are mandated by Article 144 to act in aid of the orders passed by this Court....In the discharge of our constitutional duties and obligations having regard to the aforementioned position, we issue the following directions to the Central Government, State Governments and Union Territories for compliance till framing of the appropriate legislations."

6. Taking a serious note of the above situation, this Court has issued certain directions to the Chief Secretary; Principal Secretary, Department of Home Affairs; and Director General of Police, Rajasthan, Jaipur in the case of **Jitendra Meena Vs. State of Rajasthan and Anr.** while deciding the S.B. Criminal





[CRLMP-4784/2019]

Misc. Petition No.7231/2025 in para 31, 32, 33 and 37 which reads as under:-



"31. Until the new Police Act is framed by the Central Government or by the State of Rajasthan, in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Prakash Singh** (supra) and in pursuance of the letter dated 27.04.2022 issued by the Ministry of Home Affairs, Government of India, this Court deems it just and proper to direct the State Heads of various Departments, i.e., the Chief Secretary, the Principal Secretary, Department of Home Affairs, the Director General of Police, Government of Rajasthan to form appropriate policy for separation of police investigation wings from the Police and create a separate wing for maintaining law and order.

32. Therefore, this Court deems it just and proper to issue directions to the Chief Secretary, Government of Rajasthan; and the Additional Chief Secretary, Department of Home, Government of Rajasthan, Director General of Police to draft a policy for separation of powers of police by constituting two different wings, i.e., one for maintaining law and order and another for investigating the case registered with the concerned Police Station until a legislation is introduced in this regard.

33. This Court hopes & trusts that appropriate legislation would be introduced by the State Government, in terms of the observations issued by the Hon'ble Apex Court in the case of **Prakash Singh** (supra).

34 to 36    xx    xx    xx    xx    xx    xx    xx    xx

37. Let a copy of this order be sent to the Chief Secretary, Government of Rajasthan; the Additional Chief Secretary, Department of Home, Government of Rajasthan; the Director General of Police, the Commissioner of Police, the Additional Commissioner of Police (East), Jaipur and the Station House Officer, Police Station Pratap Nagar (East), Jaipur for necessary compliance of this order.

7. In the interest of better administration of investigation and maintaining Law and Order, the officials named in the para No. 11 of this order are directed to apprise this Court regarding the steps so far taken by the concerned Police Officials for expeditious



investigation of the pending cases and establishment of two separate wings i.e, one for investigation; and another for maintaining law and order in the State of Rajasthan, in the light of the order dated 16.03.2026 passed by this Court in the case of **Jitendra Meena** (Supra).



8. In pursuance of the past orders passed by this Court it was apprised to this Court by the Police Headquarter that a committee was constituted by the Director General of Police, Rajasthan for compliance of the orders/directions issued by this Court. He submits that after getting the reports from four reference States i.e. Kerala, Punjab, Delhi and Bihar, recommendations have been made by the Committee to organise each Police Station into three functional units, i.e., (i) Law & Order Unit, (ii) Investigation Unit and (iii) Administrative Unit, and for that purpose, 20 Police Stations have been identified for the proposed pilot project.

9. The recommendation report of the Committee in the form of "Proposal For Separation Of Functions Of Investigation And Law And Order At Police Station Level" has been prepared by the Police Headquarters, Rajasthan, which contains Eleven Chapters and Three Annexures.

10. Several recommendations have been made in the above-extracted Chapter XI of the Committee Report/Proposal, including providing of manpower, infrastructure & training to all the stakeholders. For that purpose, the cadre strength of the Police is also required to be increased by way of fresh recruitment and filling up of the posts already advertised at the earliest.

11. For expeditious disposal of the cases pending for more than 5 years, several directions have been issued to all the



stakeholders for expeditious investigation of the pending matters by submitting the compliance report formed by the Additional Superintendent of Police, CID (CB), Jaipur and OIC of the instant case. The same is ordered to be taken on record.



12. In the considered opinion of this Court, when the entire system and society are moving at a fast and rapid pace in the current era and criminals are also adopting latest and advanced techniques to commit offences, then under such circumstances, the investigation mechanism of the Police is also required to be strengthened with modern and well-equipped Investigation Labs, etc. having adequate scientific facilities. Investigation Labs are not available in the State of Rajasthan and therefore, the State Police Department is compelled to conduct its investigation based on the reports and analysis carried out by the Investigation Labs situated in other States, which causes unnecessary delay in the investigation and the culprits often desire benefits of such delay. Looking to the increase in the rate of crimes, the existing FSL in State is not sufficient. The time has now come to strengthen and expand the increase the cadre strength of the investigators/staff, etc. so that the FSL reports can be received at the earliest and the conclusion report of investigation can be submitted before the Court expeditiously and in a time bound manner.

In the considered opinion of this Court, now the time has come to modulate and strengthen the Police Investigation wings from all the corners. Latest Investigating Labs are required to be established in the State of Rajasthan expeditiously having adequate infrastructure and trained stakeholders, so that the investigation can be done expeditiously and brought to its logical





end at the earliest. The State is under constitutional obligation to provide adequate infrastructure for fair and speedy investigation as the delay in investigation, due to lack of adequate infrastructure for investigation, violates the right of fair investigation and speedy trial.



13. On the last occasions, a copy of this order was sent to the Chief Secretary; Additional Chief Secretary, Department of Home, Government of Rajasthan; and Director General of Police to look into the matter from all corners to develop and establish appropriate and well-equipped labs, for investigation, in the State of Rajasthan in the interest of public at large compliance report was also called.

14. Mr. V.K. Singh-Additional Director General of Police (Law and Order) and Mr. B.K. Pandey-Additional Director General of Police (Crime) have put in appearance through VC and Mr. Hitesh Mehta-Additional S.P. (Crime Branch) Officer-incharge of the case has put in appearance in person with Government Advocate-Mr. Rajesh Choudhary and Manvendra Singh Shekhawat-PP. They submit that in pursuance of the last order passed by this Court on 21.05.2026 certain steps have been taken in compliance of the directions issued therein and in previous orders passed by this Court from time to time. They submit that in pursuance of the proposal submitted by the Committee so constituted, the matter was referred to the Principal Secretary, Department of Home. The suggestions given by the Committee have been partly accepted and the Department of Home has agreed to segregate the police force into three parts i.e. one for Maintaining Law and Order, second for Investigation; and third for Administration as a pilot



project in twenty Police Stations across sixteen districts. It has been apprised at Bar that the following Police Stations have been selected under the pilot project i.e. Mahana, Kanota, Shivdaspora, Pratapnagar, Kardhani under the Police Commissionerate and Jawaharnagar at Shriganganagar, Mathuragate at Bharatpur, Behrod Kotwali at Kothputli Behror, Bhiwadi (Phoolbag) at Bhiwadi, Udaimandi at Jodhpur Commissionerate, Mahamandir at Jaipur Commissionerate, Gumanpura at Kota City, Pratap Nagar and Sukher at Udaipur, Chistainganj at Ajmer, Kotwali at Alwar, Udhog Nagar at Sikar, Kama at Deeg, Hanumangarh Town at Hanumangarh and Beawar City at Beawar. They further submit that for the aforesaid segregation of the police force into three wings, 828 posts including the posts of Police Inspector and Sub-inspector, Assistant Sub-Inspector, Head Constable and Constables are required to be created after accepting the proposal given by the Committee. In this regard, the Department of Home has sent a requisition to the Department of Finance for granting sanction and approval for the newly created posts for the aforesaid purpose. They further submit that the approval from the Department of Finance is awaited and the appropriate steps would be taken immediately after receipt of the requisite approval from the Department of Finance, therefore, some time be granted for compliance of the orders passed by this Court.

15. This Court appreciates the steps taken and efforts made by the Police Headquarter and the Department of Home in better administration of justice and in the interest of public at large to maintain Law and Order by segregating the Police wings into three





different wings so that the investigation of any case may not disturbed on the count of maintaining Law and Order.

16. List the matters on **24.08.2026 at 2:00 P.M.**

17. Interim order, if any, shall continue till then.

18. In the meantime, report be summoned from the Department of Finance about the steps taken by them for taking a decision on the suggestions given by the Police Headquarters and the Department of Home. The Principal Secretary, Department of Finance be impleaded as party respondent in the array of cause title by way of filing amended cause title.

19. Counsel for the petitioners are directed to do the needful within a period of three days from today.

20. Let notices be issued to the Principal Secretary, Department of Finance, Government of Rajasthan, Jaipur.

21. This Court needs assistance of the Advocate General in the matter for passing appropriate orders for better administration of justice and proper investigation in the entire State of Rajasthan, in the interest of public at large.

22. Let name of associate Counsel of the Advocate General Mr. Sheetanshu Sharma, Adv. be reflected in the cause list.

23. Office is directed to supply a copy of each and every order passed by this Court in the instant matter in the office of Mr. Rajendra Prasad-AG.

**(ANOOP KUMAR DHAND),J**

Ashu/23,24,26