



RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

सत्यमेव जयते

S.B. Criminal Miscellaneous (Petition) No. 4931/2026
CNR: RJHC020720722026 | URN: CRLMP / 11378U / 2026

Bhim Singh Meena S/o Late Hiralal Meena,
-----Petitioner

Versus

State Of Rajasthan
-----Respondent



For Petitioner(s) : Mr. Suresh Sahani, Adv.
Mr. Sudhir Jain, Adv.

For Respondent(s) : Ms. Arti Sharma, PP
Mr. Vinod Kumar Sharma, ACP,
Malviya Nagar, Jaipur
Mr. Paras Jain, Addl. DCP, Jaipur East
Mr. Vikrant Sharma, SHO, PS Pratap
Nagar, Jaipur

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

29/07/2026

1. In compliance with the earlier order dated 28.07.2026, the Investigating Officer is present in person before this Court, along with the case diary. Under his instructions, learned State Counsel submits that a fair and absolutely impartial investigation is being conducted and that appropriate legal action shall be taken against any person found guilty in the course thereof.
2. Learned counsel for the petitioner submits that the petitioner cannot expect a fair and transparent investigation from the present Investigating Officer, since the accused are police personnel subordinate to him. It is further submitted that the petitioner, an advocate, was not only abused by the police personnel but that his breath analyzer report was also fabricated. Learned counsel further submits that a false story has been



created by the police personnel in their defence, to the effect that the petitioner was driving the car under the influence of alcohol, whereas, in fact, the petitioner had gone to *Angithi* Restaurant with his friends to have dinner, a fact which could have been verified from the restaurant owner, staff, and the customers present there. It is further submitted that even after four days of lodging the FIR, no independent or impartial witness has been examined by the Investigating Officer. It is further submitted that in the FIR, the petitioner has specifically alleged that two named persons and two other unidentified persons, assaulted and abused him, and that the police personnel were under the influence of alcohol. It is submitted that a written application was moved by the petitioner seeking a medical examination of the police personnel to determine intoxication. In these circumstances, learned counsel submits that there is no prospect of a fair investigation and that the matter ought to be transferred to some other investigating agency.

3. This Court has perused the material available on record as well as the case diary.

4. It is evident that the petitioner/complainant is a regular practicing advocate in this Court. Upon such perusal, this Court is, prima facie, not satisfied with the investigation conducted so far, for the reason that despite the petitioner's clear allegation and written demand, no medical examination was conducted to determine whether the accused police personnel were under the influence of alcohol at the time of the alleged incident, nor have the statements of any other impartial/independent persons been



recorded till date. Notably, although the CCTV footage from *Angithi* Restaurant was seized during the investigation, there was no reason why the statements of persons present at the restaurant were not similarly recorded. It was incumbent upon the Investigating Officer to record the statements of the restaurant's owner, its employees, and the customers present at the time of the alleged incident.

5. This Court, however, finds no force in the contention that the accused police personnel are subordinate to the present Investigating Officer. The investigation is presently being conducted by the ACP, Malviya Nagar, whereas, immediately after the incident, it was entrusted to the ACP, Sanganer, within whose jurisdiction the accused police personnel were then posted. In these circumstances, this Court expects the present Investigating Officer to conduct a fair and impartial investigation and he is directed that on the next date of hearing, he shall file an explanation as to why the medical tests for intoxication of the accused persons were not conducted and why the statements of independent witnesses present immediately after the incident were not recorded.

6. It is further directed that:

- (i) the Investigating Officer shall collect all relevant oral and documentary evidence before arriving at any conclusion;
- (ii) all recordings and footage from CCTV cameras installed in the vicinity of the place of incident shall be preserved and collected;
- (iii) the Investigating Officer shall act independently, uninfluenced by any extraneous consideration, including personal interest or pressure;



(iv) having regard to the peculiar facts and circumstances of the case, the Commissioner of Police shall transfer the accused police personnel from Police Station Pratap Nagar to some other police station or place, during the pendency of the investigation; and

(v) the Commissioner of Police shall personally monitor the investigation and no stone be left unturned to ensure that it remains fair, transparent, and impartial.

7. List this matter after two weeks.

8. It is made clear that further necessary orders, to ensure a fair, transparent, and impartial investigation, shall be passed on the next date of hearing, having regard to the progress made in the investigation.

(ANIL KUMAR UPMAN),J

208/Manoj Solanki