



CRIMINAL

# Dignity in Custody: Rajasthan High Court Condemns Custodial Humiliation as Unlawful Extrajudicial Punishment

In a significant affirmation of Article 21 jurisprudence, the Rajasthan High Court has held that forcibly parading an accused through a public marketplace in degrading circumstances, and facilitating the circulation of photographs of that parade on social media, constitutes an unlawful form of punishment that finds no sanction in statute or constitutional morality. *Puranmal v. [...]*

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**PUBLISHED** 1 June 2026

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## Case Details

**Puranmal v. State of Rajasthan & Ors.** S.B. Criminal Writ Petition No. 851/2026 | [2026:RJ-JD:23877] | High Court of Judicature for Rajasthan at Jodhpur | Decided: 27 May 2026 | Bench: Hon'ble Mr. Justice Farjand Ali

## Background and Context

This **writ petition** was instituted by the petitioner under Article 226 of the Constitution of India, seeking relief against acts of public humiliation alleged to have been perpetrated by police officials of Police Station Merta City, District Nagaur, Rajasthan.

### The Petitioner's Allegations

The petitioner avers that on 30 July 2025 he was taken from his residence by certain persons in plain clothes who neither disclosed their identity nor produced any warrant or grounds for arrest. He was thereafter subjected to **custodial assault** at Police Station Sadar, Alwar, before being handed over to officers of Police Station Merta City, District Nagaur.

Critically, the petition alleges that before he was produced before the competent court, police officials forcibly shaved his head, dressed him in women's clothing, and paraded him through a crowded public marketplace. Photographs and videos of the incident were circulated on social media platforms and news channels.

This caused, in the petitioner's submission, grave and irreparable harm to his **dignity, reputation, and fundamental rights** under Articles 14, 19, and 21 of the Constitution of India.

The petitioner further averred that despite being implicated in multiple FIRs and subjected to severe custodial violence, no recovery was effected from him and no material evidence connected him to the alleged offences. He was arrested in connection with **FIR No. 195/2025** registered at Police Station Merta City, Nagaur, pertaining to alleged offences of cheating.

### The Police Explanation

The Superintendent of Police, Nagaur, was directed by the Court to appear in person and furnish an explanation. In that explanation, the police stated that the petitioner and his co-accused were already wearing **female attire** at the time of arrest in order to conceal their identities and evade apprehension, and were accordingly brought to the police station in the same condition in which they were found.

The police denied any act of forcible cross-dressing or head-shaving, denied that any custodial assault was inflicted, asserted that recoveries were effected during the investigation, and stated that the photographs were captured by third parties during production before the competent court. The police averred that, apart from issuing a routine press note, no photographs or videos were circulated by police authorities on social media.

## The Court's Reasoning

The Court was unable to accept the police explanation in its entirety, finding it **inconsistent with ordinary human conduct**. The Court observed that a person whose purpose was to conceal their identity would not voluntarily shave their head, dress in women's clothing, and then permit themselves to be paraded through a crowded public marketplace, thereby inviting maximum public exposure and ridicule.

The Court further noted that the complainant in FIR No. 195/2025 had already described the physical appearance, attire, and features of the accused at the time of the incident itself, which took place on 21 July 2025. Given that arrest was not effected until 30 July 2025, the Court found it wholly implausible that the accused had remained in women's attire throughout that interval and had themselves partially and crudely shaved their heads in the manner depicted 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."*

— Justice Farjand Ali, para. 5

The Court drew on its own prior decision in *Islam Khan & Ors. v. State of Rajasthan & Anr.* [S.B. Criminal Writ Petition No. 224/2026], from which it reproduced at length the legal principles applicable to custodial humiliation and police-driven media trials. The following themes emerge from that analysis, adopted and applied in the present case.

### Constitutional Morality and Limits on State Power

The Court held that the conduct of the police reflected a **palpable overreach of authority**. The criminal justice framework prescribed by the legislature is neither silent nor ambiguous: every offence is accompanied by a defined procedure, a prescribed punishment, and a designated authority competent to adjudicate and impose that punishment.

It is not open to any authority to assume powers not conferred by law. The doctrine of **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.

### Separation of Powers

The Court reaffirmed that the legislature enacts laws, the executive implements them, and the **judiciary is the final arbiter**. The police, as a limb of the executive, are confined to the enforcement of law and the maintenance of public order.

The function of determining guilt, adjudicating disputes, or pronouncing upon the rights and liabilities of individuals is the exclusive domain of the judiciary. Any transgression by the police into that 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 — is without jurisdiction and strikes at the very heart of **due process**.

### The Growing Practice of Police-Driven Media Trials

The Court expressed deep concern at a growing tendency among police officers to publicise photographs of accused persons on social media, subject them to so-called "**perp walks**," and exhibit them in a manner calculated to invite public opprobrium.

Such conduct — at a stage when the individual is merely an accused, and the **presumption of innocence** remains intact — assumes the character of a punitive measure operating outside the authority of law.

The Court described this phenomenon as a "**media trial by police**," characterising it not as independent journalistic activity but as a State-engineered narrative achieved through press conferences, orchestrated disclosures, circulation of photographs, and staged representations of arrest.

The Supreme Court, in *Rajendran Chingaravelu v. R.K. Mishra, Addl. Commissioner of IT and Ors.*, has unequivocally deprecated this tendency, observing that premature disclosure of alleged investigative breakthroughs to the media not only jeopardises the integrity of the investigation but may in certain cases facilitate the escape of the actual offender.

### Institutional Humiliation and the Permanence of Digital Harm

The Court held that the act of parading an accused before the media, the capturing and dissemination of photographs within the confines of a police station, and the convening of press briefings in which guilt is insinuated, together constitute a **systematic erosion of individual dignity** and reputation.

In the digital age, the consequences of such actions are neither fleeting nor reversible; 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 Court, invoking the philosophical concept of the *Ship of Theseus*, observed that a person once exposed to such degradation does not remain the same thereafter. The right to life under Article 21 of the Constitution is not to be understood narrowly but as encompassing the right to live with **dignity**, free from humiliation, stigma, and unwarranted public exposure.

## Constitutional Provisions Engaged

The Court analysed the interplay of **Articles 19, 20, and 21**:

- **Article 19(1)(a)**: Freedom of speech and expression, including that of the press, must yield where its exercise interferes with the administration of justice or denies a fair trial, as contemplated under Article 19(2).
- **Article 20(3)**: The protection against self-incrimination is rendered illusory when investigative agencies publicly attribute confessions or involvement to an accused person prior to trial.
- **Article 21**: 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.

The Court also referred to the **Law Commission of India's 200th Report** on "Trial by Media," and to the Supreme Court's categorical holding in *State of Maharashtra v. Rajendra Jawanmal Gandhi* that trial by media is antithetical to the rule of law and capable of resulting in a miscarriage of justice.

## The Lawful Limits of Punishment

The Court underscored that punishments in India are **exhaustively defined by statute**. Section 53 of the Indian Penal Code, corresponding to Section 4 of the Bharatiya Nyaya Sanhita, lists the recognised forms of lawful punishment:

- Death
- Imprisonment for life
- Rigorous imprisonment
- Simple imprisonment
- Forfeiture of property
- Fine
- Community service

**Public shaming and media exposure appear nowhere in that list.** The practice of subjecting an accused to public condemnation through media exposure or staged photographs amounts to an extra-legal penalty, neither contemplated nor recognised by law.

Any attempt by an investigating agency to impose or facilitate such a form of punishment must be viewed with serious constitutional concern.

## Key Precedents Applied

1. **Umesh Kumar v. State of Andhra Pradesh**: The right to reputation is an intrinsic component of the right to life under Article 21. Reputation constitutes a valuable facet of personal security, and any injury to it amounts to a personal wrong. The right to freedom of expression under Article 19 is not absolute and must be balanced against the right to reputation of others. The Court also noted the recognition of these rights under the International Covenant on Civil and Political Rights, 1966.
2. **Mehmood Nayyar Azam v. State of Chhattisgarh & Ors.**: 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. The Supreme Court specifically condemned the act of forcing an accused to pose with self-incriminating placards and circulating such images as inhuman and violative of dignity, and held that constitutional courts are empowered to grant compensation for such violations under Articles 32 and 226.
3. **D.K. Basu v. State of West Bengal**: An arrested person does not forfeit their fundamental rights, including the right to life and dignity. The Supreme 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.

4. **Sunil Batra v. Delhi Administration & Ors.:** Even prisoners are entitled to the protection of fundamental rights. Any form of cruel, inhuman, or degrading treatment is impermissible under Article 21, and a prisoner cannot be stripped of constitutional protections when imprisoned for any crime.

## Directions Issued by the Court

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The Court issued the following **directions of general application** under paragraph 18 of the order:

1. **Strict adherence to SOPs:** Strict adherence shall be maintained to all prescribed Standard Operating Procedures. Any deviation or breach thereof shall invite appropriate and proportionate action against the erring police officials, in accordance with law.
2. **Prohibition on degrading treatment:** No individual possessing an unblemished record and lacking serious criminal antecedents shall be subjected to public parading, disrobing, or any form of degrading treatment.
3. **Social media exposure as unlawful punishment:** 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 expressly prohibited from engaging in or abetting such practices, as they are not vested with the authority to impose punishment in any manner whatsoever.
4. **Display of guidelines:** The aforesaid guidelines shall be prominently displayed at all police stations and on the official web portals of the Police Department, including the websites of the Director General of Police and the Home Department, 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.
5. **Respect for basic human rights:** 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 misbehaviour, mishandling, manhandling, harassment, or any form of coercion under any circumstances.

## Outcome

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The Superintendent of Police, Nagaur, who was present in person before the Court, assured the Court that due care and caution would thereafter be exercised by the police machinery to ensure no repetition of such incidents. He affirmed that the **dignity of individuals**, even while in custody, would be preserved in its true constitutional spirit.

The police also submitted that there existed no deliberate or malafide intention to malign the petitioner and that photographs which surfaced on social media were not circulated with any oblique motive on the part of the department.

Taking into consideration the explanation tendered and the assurance extended before the Court, and expressing hope that greater institutional sensitivity would prevail in future dealings with persons in custody, the Court **refrained for the present from proceeding further** against the officials concerned. The writ petition was accordingly disposed of.

Liberty was expressly reserved in favour of the petitioner to avail appropriate remedies available under law, including the institution of proceedings for **damages, compensation, or personal injury**. The stay petition and all pending applications were also disposed of.

## Significance and Practical Implications

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This judgment consolidates and extends a developing line of authority from the Rajasthan High Court on **custodial dignity**, of which the earlier decision in *Islam Khan & Ors.* forms a significant part. Several features of the order merit attention.

The Court’s characterisation of police-facilitated social media exposure as a form of **unlawful punishment** is a doctrinal step of some consequence. It moves the analysis beyond the language of procedural irregularity into the domain of unconstitutional penology: the police are not merely breaching guidelines when they orchestrate public humiliation; they are purporting to impose a punishment the law does not recognise and does not authorise them to impose.

The Court’s refusal to accept the police narrative, grounded in an analysis of the **internal logical inconsistency** of that narrative and the objective facts of the timeline, reflects a willingness to engage in genuine scrutiny of post-hoc justifications offered by law enforcement rather than extending institutional deference.

The direction to display guidelines at all police stations and on departmental web portals in the form of *Do's and Don'ts* gives the order a **systemic reach** beyond the individual case. It creates a framework of institutional accountability against which future custodial conduct across Rajasthan can be measured.

For individuals who find themselves in the custody of law enforcement, or subject to investigation in connection with criminal offences, the judgment provides clear **constitutional footing** to resist any attempt to subject them to public parade, media display, or social media exposure prior to adjudication.

For law enforcement authorities, the order is an unambiguous signal that such practices will not pass judicial scrutiny unchallenged, and that their SOPs require review in light of this and the associated body of authority.

## Related Practice Areas

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Criminal Litigation