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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRWP-4004-2025 (O&M)****Date of Decision: 21.05.2025****RAN VEER****... PETITIONER****Versus****STATE OF HARYANA AND OTHERS****...RESPONDENTS****CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present : Mr. Gourav Verma, Advocate
with Mr. Ajay Gupta, Advocate
for the petitioner.

Mr. Preetinder Singh Ahluwalia, Advocate (*Amicus Curiae*)
with Ms. Bhavi Kapur, Advocate.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Ms. Sangeeta Srivastava, Advocate
for respondent No.6-Union of India.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Subhash Godara, Additional A.G., Punjab.

HARPREET SINGH BRAR, J.

1. The present criminal writ petition has been preferred under Article 226 of the Constitution of India seeking issuance of writ in the nature of mandamus directing respondents No. 3 and 4 to protect the lives and personal liberty of the petitioner and his family.

2. Briefly, the facts, as alleged, are that on 01.04.2024, the petitioner received a WhatsApp call on his mobile from a foreign number, which he did



not attend. Thereafter, he received a voice message from someone presenting himself to be Rohit Godara, a known affiliate of the Lawrence Bishnoi gang, who demanded Rs. 2 crore as ransom. In the following months of May, August, November and December of the year 2024, the petitioner received multiple threatening calls and messages. In fact, a handwritten letter (Annexure P-3) was also delivered to the petitioner's residence. Recently, on 07.03.2025, Pankaj, nephew of the petitioner also began receiving similar threatening calls from foreign numbers.

CONTENTIONS

3. Learned counsel for the petitioner *inter alia* contends that multiple representations were made to the SHO, Police Station Adampur, Hisar, Superintendent of Police, Hisar, DGP, Haryana as well as Chief, CIA, Haryana, respectively. However, not even an FIR was registered. Some police personnel were deployed for the security of the petitioner but the same was withdrawn in January, 2025 subsequent to which the threats resurfaced. In spite of the seriousness of the matter, no action was taken by the jurisdictional police authorities.

4. On 14.05.2025, in furtherance of the order dated 24.04.2025, learned State counsel had presented a reply by way of short affidavit dated 13.05.2025 of Praveen Kumar Sinha, IPS, Additional Director General of Police, Intelligence, Punjab as well as reply by way of affidavit of Saurabh Singh, IPS, Additional Director General of Police, CID, Haryana, respectively.

5. Learned *Amicus Curiae* submits that the culture of extortion using the name of dreaded gangsters, is spreading like an epidemic. These activities not only stimpend entrepreneurship but also create a parallel economy fostering



corruption and subverting the rule of law. After an in-depth study of the abovementioned affidavits, he makes the following submissions:

State of Haryana

- A Special Task Force (hereinafter ‘STF’) has been constituted by the State government, the scope of which categorically mentions cases of extortion, kidnapping and abduction for ransoms as well as gang wars/shootouts and contract killing. Sections 11 and 16 of the Haryana Police Act, 2007 provides the statutory framework for creation of specialized units at district level as well as establishment of State Intelligence Wing, respectively. Further, to tackle organised criminal networks, a Crime Investigating Agency and a Special Detective Unit have also been established at district level.
- The Technical Division of the STF deals with interception, analysis of data from various sources, including social media and other digital communications, as well as monitoring of financial transactions associated with gangsters, and documentation of all the information so gathered. In fact, the Haryana Police has developed a software by the name of Electronic and Analytic Gateway for Law Enforcement (EAGLE) which generates digital dossiers for each arrested person by compiling information available at different data points like FIRs, photographs, gang affiliations, address etc. EAGLE is also equipped with artificial intelligence driven features including facial recognition.
- The National Intelligence Grid under the Ministry of Home Affairs (NATGRID) provides a real-time access to data that helps detect patterns and identify transnational criminal gangs. Further,



Subsidiary Multi-Agency Centre (SMAC) is an intelligence sharing platform of the Intelligence Bureau, which also assists in efficiently sharing information within intelligence agencies like NIA, NTRO, ED, MI, CAPFs etc.

- Additionally, the Haryana Police operates a toll free number ‘1800-180-3600’ that connects citizens to CID Control Rooms, enabling them to report suspicious activities.
- Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter ‘BNSS’) mandates the states to formulate a Witness Protection Program. In furtherance of the same, Haryana Witness Protection Scheme, 2025 has been notified, which mandates a Competent Authority to be established in each district. Per Clause 4, the said Authority shall consist of District and Sessions Judge as the Chair person, with Deputy Commissioner of Police or the Superintendent of Police as a Member and District Attorney as Member Secretary. Further, according to Clause 10, the Witness Protection Fund shall be operated by the administrative department.

State of Punjab

- A dedicated unit in the name and style of Anti Gangster Task Force (hereinafter ‘AGTF’) has been created specifically to deal with gang-related crimes and the same functions under direct supervision of the DGP, Punjab. The scope of duties of the AGTF includes undertaking intelligence-led legal action against organised crime, conduct financial investigation to effectively check funding provided to these gangs as well as providing a nodal agency for Punjab Police to co-ordinate with other central and state agencies. The AGTF is also required to assist the



DGP, Punjab in formulating a Standard Operating Procedure (SOP) regarding the approach to organised crime.

- On receipt of information regarding commission of an offence like extortion, contract killing, human trafficking and such that threaten life or safety of an individual, the local police officials can also take cognizance of the same and register an FIR. On conclusion of the investigation, the duty to follow up falls upon the SP/DSP of the concerned district. However, Investigating Officers may seek technical assistance from the AGTF as well as other units like the Intelligence and Counter-Intelligence wings. Pertinently, the AGTF is also required to conduct surveillance of known gangsters and their finances using digital forensic science.
- A helpline number- '112' is currently functional in the State of Punjab, through which the citizens can report offences. However, the same is a general helpline and not dedicated to organised crime. As such, the same does not aid in building confidence in the public, promoting them to report any such instances.
- A Witness Protection Scheme was notified by the State government on 19.02.2025(Annexure R-2). According to Clause 2(b), the Competent Authority would be a standing committee in each district, headed by the Deputy Commissioner, with the Commissioner of Police or the Senior Superintendent of Police, one nominee of the concerned District and Sessions Judge acting as members as well as the District Attorney, who would be its Member Secretary. Any decision taken by the Competent Authority is executed by the Witness Protection Cell, which is also required to engage in the necessary follow up. Contrary to the directions



issued by the Hon'ble Surpeme Court in ***Mahender Chawla vs. Union of India 2019(1) R.C.R.(Criminal) 268***, no Witness Protection Cell has been established in the State of Punjab. Moreover, per Clause 4(c), the Witness Protection Fund is managed by the DGP, Punjab.

6. He further submits that while the policies in place deal with the issue at macro-level, questions at micro-level remains. It is still unclear as to what immediate action is a common man is expected take, when faced with a situation like this. Clarity with respect to initial step becomes all the more pertinent considering the first instinct for a layperson would be to succumb to the threats and secure their safety. Any SOP so prescribed would not yield desirable results if the human-factor is discounted. Therefore, steps must be taken to build confidence in the public so crimes can be reported without fear of retaliation from the culprits. In this regard, it would be desirable to have set up an easy-access portal as well as a dedicated helpline where confidentiality of the complainant is maintained. The sum and substance of the complaint may be encrypted and shared on the pre-existing groups of senior officials on WhatsApp, Telegram etc, for effective communication.

7. Furthermore, the concerned police authorities should be required to register an FIR immediately on receipt of such information. However, it is vital that the same is not uploaded on the online platforms to protect the identity of the complainant. Interestingly, the DDR in the case at hand was only converted into FIR No.124 dated 05.05.2025 under Sections 384 and 506 IPC, after this Court took cognizance of the instance. Be that as it may, the fact of the matter remains that the local police officers do not possess the necessary training and thereby, the technical know-how to deal with matters



pertaining to organised crime as the investigation requires a sophisticated scientific approach.

8. While such complaints are to be investigated by the AGTF in Punjab, not even a single AGTF Police Station has been established till date, however, one has been proposed. The need of the hour would be to create a separate AGTF unit in each district, in the same manner as Women Cell, Economic Offences Wing, IT Cell etc are established, which would also ensure that information is not leaked. Since the investigating officer cannot reasonably be expected to reach the headquarters for every single case, access to technology for financial analysis, facial and voice recognition becomes vital. It may also be profitable to seize the phone of the accused immediately and conduct a forensic analysis as it is often the case where the handler resides abroad and instructs the foot soldiers at each step, over calls and messages. Relying merely on Call Detail Records would lead to loss of important information that may be used to decipher the *modus operandi* and prevent future occurrences.

9. In conclusion, learned *Amicus Curiae* submits that silence emboldens culprits. The real depth of this epidemic still remains unexplored but the fact that not only the exceptionally-wealthy but also small-time shopkeepers and common folks are increasingly being targeted by these dreaded gangs, sheds some light on the situation.

10. Learned Additional Solicitor General of India submits that threat perception of the petitioner has been dispassionately examined by the Ministry of Home Affairs in consultation with Central Security Agency and accordingly, State of Haryana has been requested to address the security concerns of the petitioner based on legal threat perception vide letter dated



13.05.2025. He further submits that in line with Section 398 BNSS as well as the judgments rendered by the Hon'ble Supreme Court, the Central government has instituted the Witness Protection Scheme, 2018.

11. Learned counsel for the State of Haryana submits that a unit of STF has been established in 09 districts, and total of 04 SPs and 07 DSPs have been engaged with these units. A toll free helpline specifically for reporting instances of organised crime is in the process of being set up and will be launched shortly. She further submits that the Witness Protection Scheme, 2025 notified by the State of Haryana is in consonance with the guidelines issued by the Hon'ble Supreme Court in ***Mahender Chawla(supra)***.

12. Learned counsel for the State of Punjab submits that Punjab Witness Protection Scheme, 2024 was notified on 19.02.2025. However, he could not controvert the fact that the said scheme digresses from the directions issued in ***Mahender Chawla (supra)***. He further submits that since these criminal gangs are often led by persons residing abroad and in some cases, from jails, the matter of surveillance necessarily involves the central agencies. As such, the Union of India may contribute to the funds for establishment of necessary infrastructure.

OBSERVATIONS AND ANALYSIS

13. Having heard the learned counsel for the parties as well as the learned *Amicus Curiae* and after perusing the record with their able assistance, it appears that we find ourselves under-prepared to substantially and meaningfully combat the epidemic of gang-sponsored violence and harassment. Acknowledging the threat posed by these gangsters, the Legislature has added organised crimes as an offence in the Bharatiya Nyaya



Sanhita, 2023 (hereinafter 'BNS') which was previously missing from the Indian Penal Code, 1860. The relevant provisions are reproduced below:

Section 111. Organised crime.

(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.

Explanation.---For the purposes of this sub-section,---

(i) "organised crime syndicate" means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;

(ii) "continuing unlawful activity" means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;

(iii) "economic offence" includes criminal breach of trust, forgery, counterfeiting of currency-notes, bank-notes and Government stamps, hawala transaction, mass-marketing fraud or running any scheme to defraud several persons or doing any act in any manner with a view to defraud any bank or financial institution or any other institution or organisation for obtaining monetary benefits in any form.

(2) Whoever commits organised crime shall,---

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine which shall not be less than ten lakh rupees;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.



(3) Whoever abets, attempts, conspires or knowingly facilitates the commission of an organised crime, or otherwise engages in any act preparatory to an organised crime, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(4) Any person who is a member of an organised crime syndicate shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(5) Whoever, intentionally, harbours or conceals any person who has committed the offence of an organised crime shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6) Whoever possesses any property derived or obtained from the commission of an organised crime or proceeds of any organised crime or which has been acquired through the organised crime, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than two lakh rupees.

(7) If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than one lakh rupees.

Section 112. Petty organised crime.

(1) Whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act, is said to commit petty organised crime.

Explanation.—For the purposes of this sub-section “theft” includes trick theft, theft from vehicle, dwelling house or business premises,



cargo theft, pick pocketing, theft through card skimming, shoplifting and theft of Automated Teller Machine.

(2) Whoever commits any petty organised crime shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years, and shall also be liable to fine.

14. The Government of Punjab vide notification dated 07.05.2025, issued an addendum to define 'Organised Crime', 'Gang' and 'Gangster' in terms of Section 111 BNS. The same reads as follows:

"No.HOME-HM-40MISC/9/2025-4H4-1/1092788/2025-In continuation of the Government of Punjab, Department of Home Affairs (Home-4 Branch), Notification No.HOME-HM-40MISC/9/2025-4H4-1/1069936/2025 dated 03.04.2025, published in the Punjab Government Gazette (Extraordinary), dated 03.04.2025, the Governor of Punjab is pleased to issued the following addendum, namely:-

ADDENDUM

In the said notification, after the existing provisions, the following shall be added, namely:-

*Definitons:- (a) "**Organized Crime**" shall have the same meaning as assigned to its in sub-section (1) section 111 of the Bharatiya Nyaya Sanita (BNS), 2023.*

*(b) "**Gang**" means "group of persons, who acting either singly or collectively, by violence or threat or show of violence or intimidation or coercion or otherwise, with the object of disturbing public order or of gaining any undue temporal, pecuntary material or other advantage for himself or any other person, indulge in organized crime as defined in section 111 BNS, 2023 ; and*

*(iii) "**Gangster**"means "a member or leader or organizer of a gang and includes any person who abets or assists in the activities of a gang, whether before or after the commission of such activities or harbours any person who has indulged in organized crime as defined in section 111BNS. 2023"*

This addendum shall be deemed to be part of the original notification and shall come into force with immediate effect."



15. Organised crime thrives on a culture of fear. Gangs instill a pervasive sense of threat to personal safety as well as property, which coerces individuals into compliance. This fear-driven submission further entrenches their control and creates a sense of helplessness in the citizenry. Breaking this vicious cycle demands a commitment to creation of a secure environment, where the public feels empowered to report crimes without fear of retaliation. A community that feels protected by its law enforcement agencies and trusts its institutions can be the most effective tool to counter to the influence of organised crime.

16. Wolfgang Friedman, in his book titled as Law in a Changing Society, has opined as follows:

“State of criminal law continues to be- as it should be – a decisive reflection of social consciousness of society.”

The State owes a duty to its citizens to ensure their safety. It is only when security and subsistence are not under threat, can a people truly make progress and build a life for themselves. Further still, the citizens can only be expected to contribute to the society when they live in an environment free of fear. Allowing lawlessness to propagate unchecked undermines the order, and thereby peace, painstakingly maintained by the justice administration mechanism. On that note, since 01.04.2024, the petitioner and his family have been living under constant concern for their life owing to the constant threats made by Rohit Godara, a known gangster. He has threatened to kill the children of the petitioner as well as the rest of his family. It is hard to imagine the petitioner getting a good night's sleep in the last year, owing to the immense psychological burden he has been put under. For over a year now, the petitioner has been running from pillar to post to have an FIR



registered against the culprits, however, to no avail. The story of the petitioner, unfortunately, is one of many.

17. As argued by Henry Shue in his book *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, in order to fully enjoy any other rights guaranteed in a civilized society, it is imperative that one is not left wanting for security and subsistence. Credible threats of murder, rape, assault etc. are conspicuous obstruction in enjoying the right to life as enshrined under Article 21 of the Constitution of India. Exercise of any rights will be greatly limited when such significant threat remains looming. In words of Shue,

“ A right to full physical security belongs, then, among the basic rights-not because the enjoyment of it would be more satisfying to someone who was also enjoying a full range of other rights, but because its absence would leave available extremely effective means for others, including the government, to interfere with or prevent the actual exercise of any other rights that were supposedly protected. Regardless of whether the enjoyment of physical security is also desirable for its own sake, it is desirable as part of the enjoyment of every other right. No rights other than a right to physical security can in fact be enjoyed if a right to physical security is not protected. Being physically secure is a necessary condition for the exercise of any other right, and guaranteeing physical security must be part of guaranteeing anything else as a right.”

18. Gangster culture, particularly in the form of extortion rackets, has emerged as a significant threat to the social order in today's time, fostering an environment of fear and lawlessness. The glorification of violence, the normalization of criminal behavior, and the recruitment of vulnerable youth into gangs not only perpetuate crime but erode public trust in the justice system. Extortion, a hallmark of their operations, forces individuals and businesses to pay for "protection" or face dire consequences, perpetuating a



cycle of fear and lawlessness. A firm hand, with stringent law enforcement and legal measures, is essential to dismantling extortion rackets, deterring future criminal enterprises and safeguarding the moral fabric of society. The judiciary must ensure that those who engage in such nefarious activities face the full brunt of the law, sending a strong message that such criminality will not be tolerated. This will be a step towards restoring public confidence and protecting the foundations of a law-abiding society

19. In view of the same, vide order dated 24.04.2025, the States of Haryana and Punjab were directed to file their responses and apprise this Court of the extent and nature of preparedness to combat organised crime, in the following terms:

- i. Creation of dedicated Anti-Gang units, with adequate training and technological support.
- ii. Surveillance of known gangsters by taking aid of digital forensic science and monitoring their finances, in tandem with financial institutions.
- iii. Since these gangs operate across borders, mechanisms must be put in place to share intelligence between the States of Punjab and Haryana as well as the central agencies, to assist in crime detection.
- iv. Establishing an environment of trust is necessary to create a network of informants as well as encourage the ordinary citizens to report incidents. An anonymous reporting service may aid in the same.
- v. To further encourage citizens to participate in this war against gangster-culture, a Witness Protection Program must be put in place.



vi. Such matters must also be promptly dealt with on the judicial side to avoid evidence tampering, which may be done by establishing Fast-Track Courts.

vii. The pre-existing legal frameworks to deal with the issue in question.

20. After engaging in some considerable spadework, learned *Amicus Curiae* presented the Standard Operating Procedure on Organised Crime adopted by the State of Odisha and the Union Territory of Puducherry. He further drew the attention of this Court to the judgment rendered by the Hon'ble Supreme Court in ***Bachpan Bachao Andolan vs. Union of India and others (2016) 13 SCC 683*** and the Standard Operating Procedure notified by the Government of India with respect to investigation of cases pertaining to missing children. He further presented the judgments rendered in ***World Human Rights Protection Counsel vs. State of Punjab 2012(3) R.C.R.(Criminal) 939, Youth Bar Association of India vs. Union of India 2016(4) R.C.R.(Criminal) 359, Ajay Jagga vs. State of Punjab 2016(1) R.C.R.(Criminal) 1033 and Mahender Chawla vs. Union of India 2019(1) R.C.R.(Criminal) 268***, for the consideration of this Court. The same were shared with the learned State counsel vide order dated 14.05.2025.

- **CONFIDENCE BUILDING MEASURES**

21. In order to effectively deal with this fast-spreading epidemic, it is pertinent that an unambiguous SOP is put in place to guide police officials into meaningfully helping the public, while also proceeding with an aim to eradicate this menace. However, the same is lacking in both the States of Punjab and Haryana. First and foremost, it is of the utmost importance to protect and preserve the identity of the complainant. A citizen must not pay the price for speaking out against anti-social elements, especially since in



doing so; they are serving the cause of justice and upholding the majesty of rule of law.

22. To encourage public to report such incidents, it would be beneficial to organise awareness campaigns and inform the citizens of the efforts being put in by the law enforcement agencies to protect their anonymity and privacy. They may also be educated on how to use the available mechanisms- helpline, email, online portal, to report such crimes. Sensitizing the public, informing them of their rights and the established protection mechanisms is likely to allay their fears of retribution and perhaps would build faith in the police force.

- **REGISTRATION OF FIR**

23. When information regarding threat to personal safety or property at the behest of gang-related activities is received by the police, it is imperative for an FIR to be registered, setting the criminal justice mechanism in motion. More often than not, no record of such information is maintained or merely a DDR is registered to avoid diving into tumultuous waters of investigating a gang-related crime. If such an approach is allowed to continue unchecked, the organised criminal rackets will continue to prosper, avoiding any accountability for disregarding the rule of law.

- **DEDICATED ONLINE PORTAL AND HELPLINE NUMBER**

24. In that vein, it is vital for the State to provide an apparatus for reporting of these activities, which maintains their privacy and protects them from retribution by these anti-social elements. It is pertinent to establish one police station of AGTF/STF in each district for effective redressal of grievances. However, those who have received threats from dreaded gangsters are often under constant surveillance by their many foot soldiers, thus making



it rather dangerous to go to the police station to lodge an FIR. As such, the State must endeavour to provide a toll-free helpline number, an online portal as well as an email ID, dedicated to organised crimes, where the aggrieved can lodge their complaints and expect quick redressal. Any information so received must be recorded in form of an FIR to ensure that investigation commences in a timely fashion. The filling of the final report would also bring the matter under judicial scrutiny where the concerned Magistrate can recommend invocation of the Witness Protection Scheme, if so required.

- **FIR NOT TO BE UPLOADED**

25. A two Judge bench of the Hon'ble Supreme Court in ***Youth Bar Association of India (supra)*** has mandating uploading a copy of all FIRs to the concerned online portal. However, exceptions were made for cases where doing the same would do more harm than good. The following directions were issued:

12. Having heard learned counsel for the parties, we think it appropriate to record the requisite conclusions and, thereafter, proceed to issue the directions:-

(a) An accused is entitled to get a copy of the First Information Report at an earlier stage than as prescribed under Section 207 of the Cr.P.C.

(b) An accused who has reasons to suspect that he has been roped in a criminal case and his name may be finding place in a First Information Report can submit an application through his representative/agent/parokar for grant of a certified copy before the concerned police officer or to the Superintendent of Police on payment of such fee which is payable for obtaining such a copy from the Court. On such application being made, the copy shall be supplied within twenty-four hours.

(c) Once the First Information Report is forwarded by the police station to the concerned Magistrate or any Special Judge, on an application being filed for certified copy on behalf of the accused, the same shall be given by the Court concerned within two working days. The aforesaid direction has nothing to do with the statutory mandate inhered under Section 207 of the Cr.P.C.



(d) The copies of the FIRs, unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and of that category, offences under POCSO Act and such other offences, should be uploaded on the police website, and if there is no such website, on the official website of the State Government, within twenty-four hours of the registration of the First Information Report so that the accused or any person connected with the same can download the FIR and file appropriate application before the Court as per law for redressal of his grievances. It may be clarified here that in case there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time can be extended up to forty-eight hours. The said 48 hours can be extended maximum up to 72 hours and it is only relatable to connectivity problems due to geographical location.

(e) The decision not to upload the copy of the FIR on the website shall not be taken by an officer below the rank of Deputy Superintendent of Police or any person holding equivalent post. In case, the States where District Magistrate has a role, he may also assume the said authority. A decision taken by the concerned police officer or the District Magistrate shall be duly communicated to the concerned jurisdictional Magistrate.

(f) The word 'sensitive' apart from the other aspects which may be thought of being sensitive by the competent authority as stated hereinbefore would also include concept of privacy regard being had to the nature of the FIR. The examples given with regard to the sensitive cases are absolutely illustrative and are not exhaustive.

(g) If an FIR is not uploaded, needless to say, it shall not enure per se a ground to obtain the benefit under Section 438 of the Cr.P.C.

(h) In case a copy of the FIR is not provided on the ground of sensitive nature of the case, a person grieved by the said action, after disclosing his identity, can submit a representation to the Superintendent of Police or any person holding the equivalent post in the State. The Superintendent of Police shall constitute a committee of three officers which shall deal with the said grievance. As far as the Metropolitan cities are concerned, where Commissioner is there, if a representation is submitted to the Commissioner of Police who shall constitute a committee of three officers. The committee so constituted shall deal with the grievance within three days from the date of receipt of the representation and communicate it to the grieved person.

(i) The competent authority referred to herein above shall constitute the committee, as directed herein-above, within eight weeks from today.

(j) In cases wherein decisions have been taken not to give copies of the FIR regard being had to the sensitive nature of the case, it will be open to the accused/his authorised representative/parokar to file an application for grant of certified copy before the Court to which the FIR has been sent and the same shall be provided in quite promptitude by



the concerned Court not beyond three days of the submission of the application.

(k) The directions for uploading of FIR in the website of all the States shall be given effect from 15th November, 2016.” (emphasis added)

26. Uploading a copy of the FIR on the police portal would intimate the accused that the victim has sought help of the law enforcement agencies as well as disclose the details of the complainant, which can have disastrous consequences for them. Therefore, it must be ensured that the FIR pertaining to incidents pertaining to organised crimes, being sensitive in nature, are not available in public domain. Reliance in this regard can also be placed on the judgment rendered by a Division bench of this Court in *Ajay Jagga (supra)*, wherein, speaking through Justice Rakesh Kumar Jain, the following was observed:

“10. Insofar as the particular cases are concerned, the FIRs of the following categories of cases can be refused for supply/updating on website:-

(i) Cases registered under sections 376, 376A, 376B, 376C, 376D IPC as the disclosure of identity of victims in such cases is a punishable offence under Sections 228A I.P.C.

(ii) Cases involving a juvenile in conflict with law or a child in the need of care and protection as the Section 21 of Juvenile Justice (Care & Protection of Children) Act, 2000 prohibits disclosure of identity of any such juvenile or child.

(iii) Cases of kidnapping for Ransom as its disclosure may be dangerous to the life of kidnapped victim.

(iv) Cases in which desperate criminals/gangsters are involved or where there is a danger to witnesses of the complainant being intimidated.

(v) Other serious cases in which one accused has been arrested while others may be at large. Since FIR may contain the names of complainant, eye-witnesses etc., there may be chances of undue advantage being taken either by the accused still at large to continue to evade arrest of his/her becoming a threat to the complainant or eye-witnesses etc.



(vi) *Cases relating to terrorists and cases in which the contents of the FIR may be concerned with the issue of National Security.*

(vii) *Cases such as those registered under the Officials Secrets Act where disclosure of information would be prejudicial to the interest of State.*

(viii) Cases in which the nature of FIRs is such that it is, in the opinion of Deputy Superintendent of Police, sensitive for the reason of concept of privacy or otherwise.

(ix) *In any other case which may prejudice investigation and circumvent criminal justice system."*(emphasis added)

- **WITNESS PROTECTION SCHEME**

27. Owing to its colonial past, India had adopted an adversarial system of adjudication which intently focuses on the maxim-*ei incumbit probatio qui dicit, non qui negat* which translates to- the burden of proof is on the one who declares, not on the one who denies. In other words, innocent until proven guilty. The judicial framework employed in pursuance of the same, calls for a neutral judge, acting as an impartial arbiter, deciding the matter on the basis of evidence led by the two opposing parties, which makes witnesses important instruments of justice. While it is often said that it is the duty of a witness to assist the State in the adjudicatory process, the personal costs borne by them do not get much attention.

In his 1952 memoir- ‘*Witness*’, Whittaker Chambers, an American journalist, observed as follows:

“A witness, in the sense that I am using the word, is a man whose life and faith are so completely one that when the challenge comes to step out and testify his faith, he does so disregarding all risks, accepting all consequence.”

A two Judge bench of the Hon’ble Supreme Court in ***Ramesh and others vs. State of Haryana (2017) 1 SCC 529*** where the reasons for



witnesses turning hostile were enquired into and speaking through Justice A.K. Sikri, the following was held:

“40. On the analysis of various cases, following reasons can be discerned which make witnesses retracting their statements before the Court and turning hostile:

"(i) Threat/intimidation.

(ii) Inducement by various means.

(iii) Use of muscle and money power by the accused.

(iv) Use of Stock Witnesses.

(v) Protracted Trials.

(vi) Hassles faced by the witnesses during investigation and trial.

(vii) Non-existence of any clear-cut legislation to check hostility of witness."

*41. Threat and intimidation has been one of the major causes for the hostility of witnesses. **Bentham said: "witnesses are the eyes and ears of justice". When the witnesses are not able to depose correctly in the court of law, it results in low rate of conviction and many times even hardened criminals escape the conviction. It shakes public confidence in the criminal justice delivery system. It is for this reason there has been a lot of discussion on witness protection and from various quarters demand is made for the State to play a definite role in coming out with witness protection programme, at least in sensitive cases involving those in power, who have political patronage and could wield muscle and money power, to avert trial getting tainted and derailed and truth becoming a casualty.** A stern and emphatic message to this effect was given in Zahira Habibullah's case as well."*

28. Recognizing the need of the hour, the Hon'ble Supreme Court in ***Mahender Chawla(supra)*** formulated a Witness Protection Scheme which was directed to be treated as the law under Articles 141 and 142 of the Constitution of India, till the centre or the states legislate on this subject. Speaking through Justice A.K. Sikri, the following was also observed:

*5. It hardly needs to be emphasised that one of the main reasons for witnesses to turn hostile is that they are not accorded appropriate protection by the State. **It is a harsh reality, particularly, in those cases where the accused persons/criminals are tried for heinous offences, or where the accused persons are influential persons or in a dominating position that they make attempts to terrorize or intimidate the witnesses because of which these witnesses either avoid coming to courts or refrain from deposing truthfully. This unfortunate situation prevails because of the reason that the State has not undertaken any protective measure to ensure the safety of these witnesses, commonly known as 'witness protection'.***



6. Over the last many years criminal justice system in this country has been witness to traumatic experience where witnesses turn hostile. This has been happening very frequently....” (emphasis added)

Delving further, the scheme formulated in ***Mahender Chawla (supra)*** calls for constitution of a ‘Competent Authority’ which has been defined under Clause 2(c) as-

“Competent Authority’ means a Standing Committee in each District chaired by District and Sessions Judge with Head of the Police in the District as Member and Head of the Prosecution in the District as its Member Secretary.”

29. A perusal of the Punjab Witness Protection Scheme, 2024 indicates that the Deputy Commissioner of the concerned district has been chosen to head the Competent Authority, which is contrary to logic and the law. Since it would be the Judicial Magistrates who conduct the trial, it only stands to reason that the authority overseeing witness protection is headed by the District and Sessions Judge, who can be approached by the said Magistrates easily. Further, involving an Executive Magistrate would create an environment of chaos and blur the lines along which powers are divided between different branches of the State machinery.

- **SETTING UP WITNESS PROTECTION CELL**

30. In ***Mahender Chawla(supra)***, the Hon’ble Supreme Court has mandated establishment of a Witness Protection Cell, which has been defined under Clause 2(o) as follows:

"Witness Protection Cell" means a dedicated Cell of State/UT Police or Central Police Agencies assigned the duty to implement the witness protection order.



While the Witness Protection Schemes promulgated by the States of Punjab and Haryana also duly mention establishment of a Witness Protection Cell, no such entity has been set up till date in the State of Punjab. In the absence of the same, the Witness Protection Scheme has no practical applications as execution would not be possible. Therefore, it is imperative that the same are established as a matter of priority.

- **DISTRICT-WISE DEDICATED INVESTIGATION UNITS**

31. It is common knowledge that the handlers, the kingpins, the puppet-masters of these dreaded gangs are often residing abroad, who coordinate with their foot soldiers over multiple digital platforms. Moreover, they also accept and disburse payment using online resources, including cryptocurrency. Owing to the degree of sophistication required to fruitfully investigate into the same, conventional methods fall short. As such, the police officers is required to be trained in a manner that augments their technical knowledge. Certainly, it would be a huge undertaking to ensure that the entire police force is well-versed with all technological aspects, therefore it stands to reason to create a specialised unit, as the State of Punjab has done by means of AGTF and State of Haryana by STF.

32. While the agencies stand established on paper, their adequate presence on ground is yet to be achieved. Learned counsel for the State of Haryana has apprised this Court of the 09 STF police stations established in 09 different districts of Haryana. On the other hand, not even a single AGTF police station exists in the State of Punjab. As mentioned previously, sophisticated machinery and softwares used for the purpose of facial recognition, voice recognition, tracing financial transaction and tracking location etc. are required to identify the *modus operandi* of organised criminal



networks. Therefore, it is essential that, as is the case with Cyber Cells, such units are established at the district level with a senior officer of the rank of Superintendent of Police at its helm. Similarly, a State-level the supervisory authority being led by an officer of the rank of ADGP. The same would ensure that the State resources are adequately used in training a select staff and the information regarding gang-based activity is properly shared, which would greatly assist investigation. It would also be profitable for these agencies to conduct State level meetings as well as meetings with their counterparts in other neighbouring States and the central agencies for intelligence inputs.

33. Further, these specialised units must be easy to approach, which can be done, as previously mentioned, by installing a dedicated helpline number/email or an online portal. It appears that while the State of Haryana is in the process to establish a dedicated helpline, State of Punjab has one common helpline to reach the police i.e. '112.' Using one common helpline for all sorts of offences is likely to clog the channels and those who are in need of immediate assistance might fail to garner the same.

DIRECTIONS

34. It is baffling to see that in spite of the widespread nature of this malady, no legislative framework to combat the same exists in the States of Punjab and Haryana. Addressing a similar situation in Maharashtra about two decades ago, the Maharashtra Control of Organised Crimes Act, 1999 was promulgated. Other states like Gujarat, Karnataka, Madhya Pradesh, Rajasthan have also enacted similar legislations. In absence of a statute to address the same and in view of the discussion above, this Court deems it appropriate to issue the following directions with respect to organised criminal activities:

**To: Investigating Authorities:**

- i. Registration of an FIR promptly on receipt of information regarding gang-related activities is mandatory. However, the same must not be uploaded on the concerned police portal.
- ii. The investigation in such cases must be conducted by officer of the rank of DSP.
- iii. Set up a toll-free helpline number, email ID and online portal of reporting of gang-related crimes. Steps must be taken to sensitise the public towards the same.
- iv. District-wise units of AGTF and STF in the States of Punjab and Haryana, respectively, must be established. The said district-level units are to be headed by a Nodal Officer of the rank of Superintendent of Police or the Deputy Commissioner of Police, as the case may be. A State-level headquarter under the aegis of an officer of the level of ADGP must also be established.
- v. The ADGP shall also conduct periodic meetings with the district-heads to collate information and monitor their functioning.
- vi. The ADPGs must also meet their counterparts in neighbouring states as well as the central agencies every three months and share intelligence acquired.
- vii. Forensic examination of any devices found on the accused shall be mandatory. The scope of the examination shall include but will not be limited to call detail records, financial transactions, location tracing.



- viii. It shall be mandatory to enquire into the proceeds of crime, acquired by indulging in illegal gang-related activities. The same may be attached under Section 107 of the BNSS.
- ix. If required, orders may be obtained under Section 303 BNSS to prohibit transfer or removal of prisoners from their lodgment place for one year or till completion of the trial.
- x. The Punjab Witness Protection Scheme, 2024 must be amended to ensure it is in consonance with the guidelines in *Mahender Chawla (supra)*.
- xi. The local police officers of District level AGTF/STF units must be trained and sensitized appropriately to deal with cases pertaining to organised criminal syndicates.
- xii. A Standard Operating Procedure to be adopted while dealing with organised crime must be formulated and circulated to the State police force, within a period of two months. In addition to the abovementioned directions, the same shall also meaningfully shed light on the following aspects:
- a) Meaning and scope of organised crime with respect to Section 111 and 112 of the BNS.
 - b) Registration of an FIR.
 - c) Collecting evidence from all electronic devices available, including CCTV cameras, any devices found on the accused or at his place of habitual residence.
 - d) Forensic analysis of the said devices.
 - e) Freezing bank accounts to block the flow of cash.



- f) Monitoring social media platforms to gather intelligence and disrupt spread of rumours.
- g) Appropriate action for using social media as a device to spread fear or threaten individuals.
- h) Time-bound, swift investigation.
- i) Ensuring safety of the witnesses.
- j) Sensitisation and awareness events to build public confidence.
- k) Approval of Nodal Officer before submitting the final report under Section 193 BNSS.
- l) Identification of areas where instances of organised crime are carried out.

To: Judicial Officers

- i. Scrutinize the final report submitted under Section 193 BNSS to ensure that the investigating officers are not acting under duress.
- ii. Apprise the District and Sessions Judge of incidents of intimidation that could affect the safety of a witness.
- iii. The District and Sessions Judge shall be duty bound to assess the degree of threat and proceed in accordance with the relevant Witness Protection Scheme.

CONCLUSION

35. The Ministry of Home Affairs has assessed the nature of threat to the petitioner and the report has been duly communicated to the State of Haryana. The concerned department is directed to take swift action towards providing protection to the petitioner and his family, in accordance with the central government's report dated 13.05.2025.

36. The present petition is disposed of in the abovementioned terms.



37. A copy of this judgment be circulated to the following:

- The respective Directors General of Police for the States of Punjab and Haryana as well as the Union Territory of Chandigarh for information and strict compliance.
- All the District and Sessions Judges in the States of Punjab, Haryana and Union Territory of Chandigarh for information and compliance.
- Respective counsels of the States of Punjab and Haryana as well as the Union Territory of Chandigarh for due compliance.

38. Pending miscellaneous application(s), if any, shall also stand disposed of.

39. Before parting with this judgment, this Court would like to express its sincere gratitude to Mr. Preetinder Singh Ahluwalia, *Amicus Curiae* for his invaluable assistance.

May 21, 2025
Neha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |