

Present: Mr. Gourav Verma, Advocate
for the petitioner.

Mr. Parvindra Singh Chauhan, Advocate General, Haryana
with Mr. Sukhdeep Parmar, Sr. DAG, Haryana
and Ms. Geeta Sharma, DAG, Haryana.

Mr. M.S. Bedi, Advocate General, Punjab
with Mr. Subhash Godara, Addl. A.G., Punjab.

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

The present petition is 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 liberty of the petitioner and his family.

Learned counsel for the petitioner *inter alia* contends that the petitioner and his nephew have been receiving threats from Rohit Godara, a known gangster, affiliated with the Lawrence Bishnoi gang, by means of calls and letters (Annexures P-1 to P-3). He has made a demand of Rs. 2 crore, which was later increased to Rs. 5 crore, and threatened to kill the children of the petitioner. The petitioner has made various representations to the official respondents (Annexure P-4 to P-6), however, not even an FIR has been registered till date, in spite of the fact that the first call was received by him on 01.04.2024.

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 01.01.2024, 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. 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. Such criminal activities not only stifle entrepreneurship, but also create a parallel economy, fostering corruption and subverting the rule of law.

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.

In view of the discussion above, the States of Haryana and Punjab are directed to formulate a Standard Operating Procedure.

Learned Advocate Generals for the States of Punjab and Haryana as well as learned Additional Solicitor General, who had graciously appeared in the post-lunch session, are requested to assist this Court. They have sought time to submit their suggestions and inputs towards creation of a uniform, coherent and comprehensive policy by the way of affidavits of the respective ADGPs(Intelligence) for the States of Punjab and Haryana.

The said SoP may also include the following:

- 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 maybe done by establishing Fast-Track Courts.
- vii. Learned State counsel are also directed to apprise this Court of the pre-existing legal frameworks to deal with the issue in question.

At this stage, Mr. Preetinder Singh Ahluwalia, Advocate, (P/1012/2008 Contact: 9814149290) is appointed as *Amicus Curiae* in the present case, to assist this Court. Registry is directed to supply a complete copy of the paperbook to him during the course of the day.

In the meanwhile, learned Advocate General for the State of Haryana has assured this Court that the representations moved by the petitioner will be looked into promptly and appropriate action will be taken.

Adjourned to 14.05.2025.

(HARPREET SINGH BRAR)
JUDGE

24.04.2025
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