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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10665-2024 (O&M)
Date of decision: 18.09.2024

Kapil @ Ninni

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Jasdeep Singh Gill, Addl. AG, Punjab and
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail in case bearing FIR No.250 dated 03.12.2019 under Sections 302, 307, 34 of

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the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 & 27 of Arms Act, 1959, registered at Police Station City Malout, District Sri Muktsar Sahib; earlier petition i.e. CRM-M-60786-2023 was dismissed as withdrawn on 08.12.2023.

2. The present FIR was registered at the instance of Jacky Kumar, on the allegations that he and Manpreet Singh were running car business and liquor business. On 03.12.2019 at about 05.00 p.m., Manpreet Singh left for gym and the complainant along with Abhi Babeja also went there, but did not exercise. At about 06.45 p.m., 04 young persons came in a cherry coloured Brezza car and fired upon Manpreet @ Manna and the complainant, who sustained an injury on his left leg. Thereafter, the complainant and Manpreet Singh @ Manna were admitted to hospital, where Manpreet Singh @ Manna succumbed to his injuries.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*) and he has been implicated on the basis of disclosure statement suffered by co-accused, while in police custody, which has no evidentiary value in the eyes of law. He relies upon the order dated 30.06.2021 passed in CRM-M-23581-2021, vide which co-accused Rohit Godara @ Rawat Dass, from whom, 03 country-made pistols were

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recovered, had been granted the concession of regular bail. The case of the petitioner is on better footings from the case of said co-accused Rohit Godara @ Rawat Dass and there is no progress in the trial, as such, the petitioner is entitled to bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that this is second petition, as earlier one was dismissed as withdrawn on 08.12.2023. The petitioner is an active member of the Lawrence Bishnoi gang, which has inter-state operations, and was actively involved in the extortion rackets spanning multiple States. Further, co-accused Rohit Godara @ Rawat Dass, who had been granted regular bail, was only alleged to have provided residence to the petitioner and his accomplices. These elements have created chaos in the society as is evident from the fact that in the instant case the actions of the petitioner and his associates resulted in the death of one person and another sustaining serious injuries. The petitioner is habitual offender and he earned acquittal in several cases, as nobody dares to come forward to depose against him and his gang members. Learned State counsel produced the custody certificate of the petitioner in Court today, which has been taken on record. As per this custody certificate, the petitioner is involved in several other

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cases of similar nature in the States of Punjab, Haryana and Delhi.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. A perusal of the custody certificate indicates that petitioner is already facing trial in nine other cases. Further, he has already been convicted in two cases and acquitted in four. The details of the cases are as follows:

Details of the cases in which the petitioner is facing trial	
1.	FIR No. 342/2019 under Sections 224, 120-B IPC, registered at Police Station Special Cell (SB), New Delhi.
2.	FIR No. 69 dated 01.02.2020 under Sections 307, 395, 397, 467, 420 IPC and Section 25 of the Arms Act, registered at Police Station Dabua, Faridabad.
3.	FIR No. 132 dated 20.06.2020 under Sections 307, 34 IPC and Section 25 of the Arms Act, registered at Police Station City Jhajjar, Jhajjar.
4.	FIR No. 336 dated 21.11.2019 under Sections 148, 149, 302, 307, 325, 120-B IPC, registered at Police Station Jhajjar, Jhajjar.

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5.	FIR No. 25 dated 01.02.2020 under Sections 307, 353, 332, 201, 186 IPC, registered at Police Station Dhoj, Faridabad.
6.	FIR No. 68 dated 01.02.2020 under Sections 148, 149, 224, 225, 307, 333, 353, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Dabua, Faridabad.
7.	FIR No. 159 dated 17.03.2022 under Section 25 of the Arms Act, registered at Police Station Baldev Nagar, Ambala.
8.	FIR No. 122 dated 04.04.2022 under Section 42 of the Prisons Act, registered at Police Station Sadar Ballabgarh, Faridabad.
9.	FIR No. 781 dated 19.11.2019 under Sections 380, 411, 454 IPC, registered at Police Station Shivaji Colony, Rohtak.
Details of the cases in which the petitioner was convicted	
1.	FIR No. 220 dated 20.06.2020 under Section 42-A of the Prisons Act, registered at Police Station Sadar Ballabgarh, Faridabad.
2.	FIR No. 275 dated 15.08.2020 under Section 42-A of the Prisons Act, registered at Police Station Sadar Ballabgarh, Faridabad.
Details of the cases in which the petitioner was acquitted	

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1.	FIR No. 848 dated 21.09.2017 under Sections 148, 149, 452, 323, 506 IPC, registered at Police Station Jhajjar, Jhajjar.
2.	FIR No. 63 dated 28.04.2018 under Sections 365, 342 IPC and Sections 4 and 8 of the Protection of Children against Sexual Offences Act, registered at Police Station Jhajjar, Jhajjar.
3.	FIR No. 186 dated 20.06.2020 under Sections 302, 34, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Civil Lines Bhiwani, Bhiwani.
4.	FIR No. 66/2021 under Section 25 of the Arms Act, registered at Police Station Beri, Jhajjar.

This Court is of the opinion that if the petitioner is granted bail, there is a strong likelihood of him returning to his offending and nefarious ways. Moreover, there is a serious threat of evidence tampering and witness intimidation given the scope and expanse of their operations.

7. 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

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vulnerable youth into gangs not only perpetuate crime but erode public trust in 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.

8. The way, these hardened criminals are portrayed by popular media, has led to a distorted sense of power and impunity, particularly among the youth. The implications of unchecked gang activities are far-reaching, from rising violent crime rates to economic instability in affected communities and regions. This menace must be dealt with decisively and swiftly. 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.

9. Keeping in view the facts and circumstances of the case and

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gravity of the offence as well as involvement of the petitioner in several other cases of similar nature, this Court finds no ground to grant regular bail to him.

10. Lastly, since the present situation falls in ‘Category A’ of the threat perception as per the ‘Witness Protection Scheme, 2018’ constituted by the Hon’ble Supreme Court in *Mahender Chawla and others vs. Union of India and others 2019(14) SCC 615* i.e. where the threat extends to life of witness or his family members, during investigation/trial or thereafter, this Court directs the jurisdictional police to prepare the Threat Analysis Report with regard to the protection of the complainant/witness and take the necessary steps to keep him from harm.

11. Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

18.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No