

CWP-PIL-93-2023 (O&M) and other connected cases**COURT ON ITS OWN MOTION V/S STATE OF PUNJAB AND ORS**

Present:- Ms. Tanu Bedi, Advocate as *Amicus Curiae* and
Ms. Pooja Dahiya, Advocate.

Mr. Arun Gosain, Senior Govt. Counsel
for the respondent/UOI.

Mr. Aftab Singh Khara, Senior DAG, Punjab.

Mr. Arun Pal Singh, ADGP (Prisons), Punjab
(through video conferencing).

Mr. Prabodh Kumar, Special Director General of Police,
PSHRC-cum-Head of the SIT. (through video conferencing).

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Munish Bansal, Public Prosecutor, UT, Chandigarh and
Mr. Rajiv Vij, Additional Public Prosecutor for UT, Chandigarh.

Mr. Gourave Bhayya Gilhotra, Advocate and
Mr. Vishwajeet Singh, Advocate for the applicant
in CM-85-CWPIL-2023.

We have gone through the status report dated 09.07.2024 filed by the SIT. We appreciate the progress made by the SIT headed by Mr. Prabodh Kumar, Special Director General of Police, PSHRC-cum-Head of the SIT as it has been able to pin point the places where the interviewee was based at the time of the interview.

It is disquieting to note that in the first interview which was conducted on the night intervening 3rd and 4th September, 2022, the interviewee was in the premises of CIA, Kharar while giving the second interview, the interviewee was in the State of Rajasthan.

It is apt to notice that two member committee constituted by the State Government to enquire into the conducting of the interview had submitted a report

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wherein it was mentioned that it was highly improbable that the interview was conducted either in jail or in the police custody in the State of Punjab. It had taken almost 08 months to arrive at that inconclusive finding. If it was an attempt to hoodwink the Court or misdirect the proceedings of the Court, it would be a serious matter and would be considered at an appropriate stage.

We hope and trust that the investigation conducted by the SIT is not confined to the lower level officials and they are not made scapegoat while protecting the higher officers.

We hasten to add that the Punjab Police is one of the best police force in the Country but it needs to be insulated from extraneous influence. The black sheep has to be identified and brought to the book at the earliest.

The Chief Secretary, State of Punjab shall render all possible assistance to the SIT as and when sought.

The interview tends to glorify crime and criminals and there were nearly 12 million views on Youtube which could have had an adverse effect on the impressionable minds. We have said so in the order passed by this Court on 21.12.2023. The operative part of the order is reproduced hereunder:-

“We have gone through the contents of the interviews which indicate that it glorifies crime and criminals. The interviewee is involved in 71 cases in the State of Punjab and had been convicted in 4 cases which includes offences under Unlawful Activities (Prevention) Act, 1967, 302 IPC, extortions etc. The interviewee is justifying target killings and his criminal activities. He has reiterated and justified threat to a film actor. As in a large number of cases wherein he is involved, trials are underway and attempt to projecting his persona as larger than life

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could influence the witnesses. These interviews are stated to have garnered over 12 million views. It would have an adverse impact upon youngsters with impressionable minds. Punjab is a border State and any deterioration in law and order or increase in crime could affect the national security as at times, anti-national elements take advantage of the situation and often use criminals for their nefarious designs. They often get help from across the border. There is a thin line between extortion, target killings and anti-national activities. The conduct of the interviews is an apparent jail security breach and violation of the Prisons Act. The interviews have been telecast for the last 9 months and are available on public domain.”

It is possible that there could have been spurt in crime after the interview was telecast. We, therefore, direct the Director General of Police, Punjab to file an affidavit setting out the number and details of registration of criminal cases especially those relating to extortion/threatening calls, calls for ransom, abduction and intimidation of witnesses in the State of Punjab w.e.f. March, 2023 until December, 2023 when the interviews were directed to be removed from the website/channel/URL and 09 months prior to the broadcast of the interview.

Mr. Prabodh Kumar, has also filed an affidavit seeking further directions with regard to further course of action to be adopted in pursuance to the second FIR as the interviewee was in the State of Rajasthan when it was conducted.

Learned *Amicus Curiae* submits that she shall be filing an application to implead the State of Rajasthan through its Home Secretary.

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Learned counsel for the State of Punjab has also filed the status report in the form of an affidavit of Deputy Inspector General of Prisons, Punjab with regard to the progress made in augmenting the jail security including installation of jammers, CCTV cameras, X-ray body scanners and increase in manpower. The affidavit is also taken on record.

List on 05.09.2024.

A photocopy of this order be placed on the files of connected cases.

**(ANUPINDER SINGH GREWAL)
JUDGE**

**(LAPITA BANERJI)
JUDGE**

August 07, 2024
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