

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRWP-6427-2020 (O&M)

Lawrence Bishnoi ... Petitioner

Versus

State of Haryana and others ... Respondents

II) CRWP-10369-2020 (O&M)

Lawrence Bishnoi ... Petitioner

Versus

State of U.T., Chandigarh and others ... Respondents

Date of Decision:-21.12.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

सत्यमेव जयते

Present:- Mr. Sangram Singh Saron, Advocate and
Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G., Haryana and
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. A.M. Punchhi, PP, U.T., Chandigarh with
Mr. Anupam Bansal, Advocate.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The aforesaid two matters are being taken up together and being disposed of by this common order as not only both these petitions have been filed by the

same person but identical reliefs have been sought therein though in respect of different FIRs.

2. The petitioner in both the aforesaid cases is Lawrence Bishnoi against whom a large number of FIRs have been registered in the States of Punjab and Haryana and who is also involved in a case registered in U.T. Chandigarh. The petitioner is in custody since the year 2015 and is presently confined in Central Jail, Bharatpur, Rajasthan since the last about 2 years. In CRWP No. 6427 of 2020, the gist of prayers made therein is to the following effect :-

- i) For dispensing with the physical presence and production of petitioner in respect of FIR No. 252 dated 21.7.2020 registered at Police Station Sadar Dabwali, District Sirsa.
- ii) To direct respondents No. 1, 2 and 3 i.e. State of Haryana, Director General of Police, Haryana and S.H.O, Police Station Dabwali Sadar, Sirsa to question/interrogate the petitioner in connection with the aforesaid FIR through online mode/vide conferencing.
- iii) In case the petitioner is required to be produced in connection with investigation or interrogation pertaining to aforesaid FIR then adequate measures of security be taken so as to rule out any untoward incident, especially as regards his security.
- iv) To ensure that whenever the petitioner is produced, he is produced duly handcuffed.

3. In CRWP No. 10369 of 2020 also, identical prayers have been made in respect of FIR No. 102 dated 31.5.2020 registered at Police Station Sector

34, Chandigarh and also in connection with FIR No. 60 dated 2.6.2020 registered at Police Station, Sector 3, Chandigarh.

4. It is the case of the petitioner that he has been a student of DAV College, Sector 10, Chandigarh where he remained actively associated with Students' Organisation namely Students Organisation of Panjab University (SOPU) and that being a victim of circumstances, he has been falsely involved in a large number of FIRs in the State of Punjab, Haryana and Rajasthan and that the said involvement is not based on any credible evidence but is rather based on confessions extracted from individuals in custody. It is further stated therein that infact when the occurrence in respect of the aforesaid FIRs had taken place, he was already behind bars and could not have participated in any manner and the commission of the offences alleged therein. It is averred that the petitioner had been nominated as an accused in FIR No. 36 dated 5.3.2015 registered at Police Station Sadar Fazilka, District Punjab wherein during the course of proceeding of a bail application filed by him in this Court, an affidavit was furnished on behalf of the State wherein it was deposed that the petitioner is involved in as many as 19 FIRs. The petitioner, thus, apprehended that since there is no credible evidence against him, he is likely to be eliminated by the police by involving him in some false encounter during the course of his transit, in case he is brought to Haryana or Chandigarh.
5. The State of Haryana in CRWP 6427 of 2020 has filed reply by way of affidavit of Shri Kuldeep Beniwal, Deputy Superintendent of Police, Dabwali, District Sirsa wherein it is stated that FIR No. 252 dated 21.7.2020 registered at Police Station Sadar Dabwali, Sirsa was lodged in respect of

murder of two persons namely Jai Parkash Poonia and Mukesh Kumar on 20.7.2020 by four unknown boys in which two persons namely Ankit and Rahul were arrested by Rajasthan police on the next day i.e. on 21.7.2020 and upon interrogation, they disclosed that about 6-7 years back, two persons namely Sandeep and Sonu Dharnia had been murdered in which Jai Parkash Poonia and his associates were involved and that deceased Sonu Dharnia was grandson of Bhoop Singh and Lawrence Bishnoi was grandson of Bhoop Singh's sister and that Lawrence Bishnoi, while being confined in jail itself, had hatched a conspiracy with Sampat Nehra, Sonu Mithi, Sandeep for murdering Jai Parkash Poonia and Mukesh Kumar and that *recce* was got done through Ankit and Rahul and money was sent by Lawrence Bishnoi through an unknown person to Ankit @ Bhanu for purchase of motorcycles for shooters and thereafter four shooters namely Parveen, Ankit Haryanvi, Vikas and Rohit Gonder were hired for murdering Jai Parkash Poonia and Mukesh Kumar. It is further stated therein that shooters namely Vikas and Rohit Gonder alongwith another accused Ram Pal were arrested by Special Task Force and during interrogation, they disclosed about the petitioner Lawrence Bishnoi being the mastermind behind commission of the offences in question.

6. As regards the other case, i.e. CRWP-10369-2020, this Court while issuing notice of motion had directed U.T. Chandigarh to furnish information as regards the security measures proposed to be adopted in case the petitioner is to be brought to Chandigarh. The relevant operative portion of order dated 11.12.2020 reads as follows :-

“Mr. A.M. Punchhi, PP, U.T., Chandigarh to, however, furnish details of the measures proposed to be taken in case the petitioner is to be brought to Chandigarh and as to how much manpower and how many vehicles would be deployed and as to whether any arrangement is possible for video recording the entire transit.”

7. Shri Kuldeep Singh Chahal, Senior Superintendent of Police, U.T. Chandigarh has filed an affidavit in response to the aforesaid directions wherein it has been deposed that custodial interrogation is absolutely vital and necessary as the petitioner is involved in 4 FIRs i.e. FIR No. 102 dated 31.5.2020 registered at Police Station Sector 34, Chandigarh, FIR No. 103 dated 3.6.2020 registered at Police Station, Sector 34, Chandigarh, FIR No. 201 dated 16.10.2020 registered at Police Station, Sector 34, Chandigarh and FIR No. 315 dated 13.10.2020 registered at Police Station, Sector 39, Chandigarh. Paras 6 and 7 of the said affidavit pertaining to arrangements proposed to be made read as follows :-

“6. Be that as it may, in order to allay the apprehensions of the petitioner, the Chandigarh Police will make the following arrangements to bring the petitioner from the Central Jail, Ajmer to Chandigarh.

TENTATIVE DEPLOYMENT PLAN WITH HARDCORE UT POLICE FORCE

1.	Deputy Superintendent of Police	01
2.	Inspectors	02
3.	Non Gazetted Officers/ORs	17
	TOTAL	20

SEQUENCE OF PILOT AND ESCORT PARTY

1.	Pilot (Bolero/Gypsy)	Inspector-01 NGO-01 ORs-04 (Trained commandos equipped with sophisticated arms and ammunitions)
2.	Prisoner Van	NGO-01 HC/Constable-06 (All armed)
3.	Escort (1) (Innova)	Inspector-01 NGO-01 HC/Constable-06 (All armed)
4.	Supervisory Officer (Innova)	DSP-01 (Overall Supervisory Officer)

7. The Chandigarh Police will leave no stone unturned to ensure that no harm will be caused to the petitioner during transit. However, it is respectfully stated that videography from end to end, which would be an exercise of 10-12 hours, is neither feasible nor practical, in view of the heavy deployment of police force proposed for transit purposes.”
8. The learned counsel for the petitioners have submitted that it is a case where the police of both the States being unable to solve various of its cases has falsely implicated the petitioner in a large number of cases although there is no evidence to support the alleged involvement of the petitioner and he is stated to be nominated on the basis of disclosure statements made by co-accused, the veracity and admissibility of which is debatable and which hardly carry any evidentiary value. It has been submitted that since the police in every likelihood would be unsuccessful to secure conviction, the petitioner apprehends that the police is going to eliminate him by showing some kind of a false encounter as was done in the case of Vikas Dubey by the Uttar Pradesh Police. It has further been submitted that in the present times

of advancement of technology where the Courts have extensively been relying upon video conferencing for the purpose of recording evidence as well as for hearing arguments and in some cases also for extension of remand, the police can effectively interrogate the petitioner through video conferencing. It has further been submitted that in case the police does not wish to interrogate through video conferencing, then a team of investigators/interrogators can be deputed to visit jail where the petitioner is confined rather than bringing him to Chandigarh and Dabwali.

9. Opposing the petition, the learned State counsel has submitted that in view of the involvement of the petitioner in large number of cases, especially the fact that he has been the mastermind in commission of various offences while being at the backstage, his interrogation is of utmost importance failing which it will not be possible to effectively investigate the matter and reach at just conclusion. Mr. Deepak Sabherwal, Addl. A.G., Haryana and Mr. A.M. Punchhi, PP, U.T., Chandigarh have both submitted that the respective Governments undertake to make all necessary arrangements for ensuring a safe transit of the petitioner and that no harm whatsoever shall be caused to the petitioner.

10. I have considered rival submissions addressed before this Court.

11. Needless to mention, interrogation is an effective tool available with an Investigator. It is an indefeasible right of the police to interrogate an accused to unearth the truth especially when direct evidence is not available or the *modus operandi* of the commission of offence is such that there are certain hidden facts which are required to be brought to surface. No doubt, the Courts in the present times have been relying upon video conferencing for

the conduct of proceedings of the Court but interrogation of an accused, though possible through video conference, will lose much of its effectiveness when the accused is sitting far far away from the investigator/interrogator. During the course of interrogation, an Investigator would put several questions one after another depending upon the answers given by the accused while watching his demeanour. Interrogation also involves reading the psyche of the accused so as to elicit truth which can effectively be possible by observing his immediate response and conduct to the queries put to him. A trained interrogator may even be able to assess the veracity of answers from the manner an accused blinks his eyes or sighs or moves his feet. Further, at times during interrogation, in case any disclosure is made by the accused which has to lead to some kind of recovery of some articles or some other evidence, the accused may be required to be taken to place of occurrence. The Investigator certainly cannot be deprived of an important means to elicit information pertaining to commission of an offence, in the absence of which the police may never be able to tie loose ends together.

12. As such, this Court is of the firm opinion that the police cannot be deprived of its right to interrogate an accused and that video conferencing may not be as effective as physical interrogation especially when the case happens to be such where the accused has played a role in the back stage. However, at the same time keeping in view the apprehension of the petitioner, who is involved in large number of cases, it certainly needs to be secured that no harm is caused to the accused and that he is safely brought from the jail where he is presently confined in Rajasthan to Chandigarh or to Haryana

where he is involved in other cases. For the said purpose, the following directions are hereby issued to U.T. Chandigarh as well as to the State of Haryana :-

- i) The petitioner shall first be brought from Rajasthan to Chandigarh by the Chandigarh police after obtaining requisite production warrants as per provisions of law and shall be produced before the Illaqa Magistrate concerned for the purpose of seeking remand.
- ii) The entire operation shall be monitored and supervised by Shri Omvir Singh Bishnoi, DIG, U.T. Chandigarh. Although, in the affidavit furnished by S.S.P. Chandigarh, it has been deposed that as many as 20 police officers/officials shall be deputed, but Shri Omvir Singh Bishnoi, DIG, U.T. Chandigarh shall himself assess the position again and in case he is of the opinion that more personnel is required, the same shall be deputed so as to rule out any possibility of an untoward incident.
- iii) The accused shall be brought in a bullet-proof or armoured vehicle duly escorted by armed trained commandos, armed with sophisticated arms and ammunition.
- iv) Since the petitioner himself wishes to be brought duly handcuffed, it is directed that the petitioner shall be duly handcuffed and shackled during transit which would be helpful for the police as well as for the accused as the apprehension of the police that he may escape would be minimised and so also the apprehension of the petitioner as regards any false encounter.

- v) The police before proceeding to Rajasthan shall intimate the Rajasthan Police so that adequate arrangements are made by the Rajasthan police for a safe transit and there is effective coordination between the police of both the States regarding the safest route to be taken and in case required to isolate the intersections or restrict the usage for a limited period when the convoy of the police is to pass through that route. It shall be ensured that all the vehicles are in perfect condition and are duly serviced before hand and checked thoroughly to rule out any chance of breakdown.
- vi) After the Chandigarh police has produced the petitioner before the Illaqa Magistrate, Chandigarh and has obtained the remand and has interrogated the petitioner, he shall be handed over to the Haryana Police, in case, the Haryana Police is able to get his production warrants. In case, the Haryana Police is unable to get any production warrants for production of the accused in the Court at Dabwali, the Chandigarh Police shall take back the petitioner to Rajasthan. However, in case the production warrants have been issued for production of the petitioner in Court at Dabwali, the accused shall be handed over to Haryana Police at Chandigarh itself and thereafter it shall be the responsibility of the Haryana Police to safely produce the petitioner before the Illaqa Magistrate, Dabwali and thereafter, apply for his remand and after his interrogation he is to be consigned back in the jail in Rajasthan from where he is produced. The Haryana Police take the same

security measures and adopt the same protocol as indicated above in addition to the protocol adopted normally in respect of hardened criminals. The entire exercise of production at the Court at Dabwali and thereafter taking him back to Rajasthan shall be monitored and supervised by Shri Sanjay Kumar, I.G., Hisar Haryana.

vii) It is further ordered that the entire transit shall be videographed by the U.T. Police and the Haryana Police when the accused is in their custody.

13. It is made clear that in case of any default, the officials concerned shall be held personally liable and responsible.

14. The petitions stand disposed of in the above mentioned terms.

21.12.2020

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No