

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

(1)

Crl. Revision No.2652 of 2015 (O&M)

Date of Decision: July 18, 2017.

Sant Gurmeet Ram Rahim Singh

.....PETITIONER(s).

VERSUS

Central Bureau of Investigation

.....RESPONDENT(s).

(2)

Crl. Revision No.2547 of 2015 (O&M)

Sant Gurmeet Ram Rahim Singh

.....PETITIONER(s).

VERSUS

Central Bureau of Investigation

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

**Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate
for the petitioner (s).**

**Mr. Sumeet Goel, Advocate
Retainer counsel respondent-CBI with
Mr. S.S. Yadav, DAL, CBI.**

SURINDER GUPTA, J.(Oral)

CRR-2652-2015

06.04.2015 passed by Special Judge (CBI), Haryana at Panchkula whereby the application filed by petitioner to examine witnesses in defence, was decided. The petitioner felt aggrieved because learned trial court allowed him to examine any four witnesses of his choice out of witnesses mentioned at serial No.31, 33, 34, 35, 44, 45, 49, 52 and 53 of his list of witnesses. The petitioner examined four witnesses but still intends to examine witnesses at serial No. 31, 34 and 35.

CRR-2547-2015

2. This is revision petition challenging order dated 06.06.2015 passed by Special Judge (CBI) Haryana at Panchkula, whereby after the examination of witnesses permitted to be examined as per order dated 06.04.2015, learned trial Court did not record the statement of three witnesses namely Risal Singh, Anil Kumar and Amit Nagpal, as the petitioner as per order dated 06.04.2015 had already examined four witnesses out of nine witnesses mentioned at serial No.31, 33, 34, 35, 44, 45, 49, 52 and 53.

3. As both the revision petitions are concerning the same matter, as such, have been taken up together for disposal.

4. Firstly, I take order dated 06.06.2015 passed by learned trial Court. As per order dated 06.04.2015, the petitioner was permitted to examine four witnesses of his choice out of the witnesses mentioned at serial No.31, 33, 34, 35, 44, 45, 49, 52 and 53. After having exercised option to examine four witnesses of his choice, the petitioner was not entitled to examine witnesses mentioned at serial No.31, 34 and 35, as such, the trial Court has committed no error of law while declining the request of

the petitioner, which was in pursuance of order dated 06.04.2015.

5. Now, the question arise for consideration is as to whether order of learned Special Judge (CBI), Haryana at Panchkula has committed any error of law while restricting the examination of four out of nine witnesses mentioned at serial No.31, 33, 34, 35, 44, 45, 49, 52 and 53. Perusal of the list of witnesses dated 17.01.2005 shows that the petitioner sought to examine 53 witnesses in defence. There are six accused facing trial in this case and other accused have given their separate lists of defence witnesses. Some of them have also come in separate revisions for examination of more witnesses in defence. Learned trial Court vide order dated 06.04.2015 discussed the relevance of all the witnesses sought to be examined by petitioner in defence and passed a detailed order. The petitioner is aggrieved against only part of the order contained in para 17 of the order which reads as follows:-

“17. As far as examination of witnesses Sr. No.31, 33, 34, 35, 44, 45, 49, 52 and 53 is concerned, the defence wants to prove that on 16.06.2002 accused Gurmeet Ram Rahim was not present in Dera Sacha Sauda, where allegedly conspiracy was hatched, rather he was present at some Satsang held at Budharwali Shri Ganganagar, Rajasthan which was held on 15, 16 and 17 June, 2002. Therefore, the accused is allowed to examine any 4 witnesses of his own choice out of aforesaid witnesses.”

6. Before proceeding further, it will be relevant to look into the reasoning given by the petitioner while seeking permission to examine witnesses mentioned at serial No.31, 33, 34, 35, 44, 45, 49, 52 and 53,

Sr.No.	Name	Address	Purpose of examination
31.	Sh. Risal Singh-ASI S/o Shri Atma Ram, (Haryana Police)	Gali No.10, Preet Nagar, Sirsa, Presently Incharge P.O. Staff, Sirsa.	To prove that since 1994 onwards accused has not resided in the alleged old Dera and he associated during tours by accused/applicant as security guard.
33.	Sh. Subhash Nagpal	127, Ashok Nagar 'B' Uttam House, Near Meera Chow, Sri Ganganagar (Rajasthan)	Correspondent of Partap Kesri, to prove coverage of Satsamg at Budharwali (Sri Ganga Nagar, Rajasthan) on 15, 16, 17 June, 2002 by him along with original material.
34.	Sh. Anil Kumar son of Sh. Nand Kishor 14, Adarsh Nagar, Nehru Park, Sri Ganga Nagar (Raj.)	Daily Partap Kesri 3B6 Jawahar Nagar, Sri Ganga Nagar (Rajasthan)	Press Photographer of Partap Kesri, to prove coverage of Satsamg at Budharwali (Sri Ganga Nagar, Rajasthan) on 15, 16, 17 June, 2002 by him along with original material.
35.	Sh. Amit Nagpal	Chief Editor Daily Partap Kesri, 3B6 Jawahar Nagar, Sri Ganga Nagar (Rajasthan)	Now Chief editor of Partap Kesri, to prove publication regarding coverage of Satsamg at Budharwali (Sri Ganga Nagar, Rajasthan) on 15, 16, 17 June, 2002 by Subhash Nagpal along with original news material.
44.	Sunil Kumar alias Rakesh Narang s/o Om Parkash	Gali no.12, Nai Abadi Near Raja Rinku Pal School, Abohar, District Fazilka.	To state about the facts of his marriage which was performed at Budharwali on 16.06.2002 with the blessings of accused/applicant Sant Gurmeet Ram Rahim Singh Insaan.
45.	Om Parkash s/o Sh. Buta Ram	Gali No.12, Nai Abadi Near Raja Rinku Pal School Abohar District Fazilka.	To state about the facts regarding the marriage of his son which was performed at Budharwali on 16.06.2002 with the blessings of accused/applicant Sant Gurmeet Ram Rahim Singh Insaan.
49.	Jethu Ram s/o Sh. Bura Ram	Village Abhoria, Tehsil Sadul Shahr, District Sri Ganga Nagar (Raj)	To state about the facts of his marriage which was performed at Budharwali on 16.06.2002 with the blessings of accused/applicant Sant Gurmeet Ram Rahim Singh Insaan.
52.	Madan Lal son of Sh. Bag Rai Nagpal	VPO Kheruwala C/o Nagpal Cloth House, Titu Bitu ki Dukan, Tahbazari Sadulshahr-335062 District Sri Ganga Nagar	To state about the entries in the register of marriage regarding marriage of Sunil Kumar and Jethu Ram which was performed at Budharwali on 16.06.2002 with the blessings of accused/applicant.
53.	Sh. Jasbir Singh son of Sh. Hari Singh Chawla	R/o 2A/39 Sukharia Nagar, Sri Ganga Nagar, r/o 102, Paradise Apartment, 230 Adarsh Nagar, Jaipur.	To prove the fact that on 16.06.2002 there was function of Greh Pravesh at the house of witness and accused/applicant attended that function at Sri Ganga Nagar.

witnesses mentioned at serial No.33, 44 and 53. At serial No.52 Madan Lal was sought to be examined as witness but in place of him, Sohan Lal was examined with the permission of the Court. Witnesses mentioned at Serial No.49 was given up by the petitioner while Om Parkash son of Boota Ram, whose name was mentioned at serial No.45 in the list of witnesses, had expired.

8. Witnesses mentioned at serial No.33, 34 and 35 are the Correspondent, Press Photographer and Chief Editor of a newspaper "*Partap Kesri*" and they were sought to be examined to prove the coverage of Satsang at Budharwali (Sri Ganga Nagar, Rajasthan) on 15, 16 and 17 June, 2002 along with original newspaper. These three witnesses were to prove one fact pertaining to coverage of Satsang of petitioner at Budharwali (Rajasthan), as such, they were repetitive witnesses. The witnesses mentioned at Serial No.44, 45 and 49 namely Sunil Kumar, Om Parkash and Jethu Ram were sought to be examined to state about the fact of their marriage which was performed at Budharwali on 16.06.2002 with the blessings of petitioner. Here also the witnesses were repetitive as the petitioner appears to concentrating on quantity of witnesses. Here, it is to be kept in sight that another witness namely Madan Lal, who was later on replaced with Sohan Lal was also on the same fact i.e. to prove the marriages of Sunil Kumar and Jethu Ram by bringing register having entries of their marriage, which were performed at Budharwali on 16.06.2002. The petitioner had examined Sunil Kumar and Sohan Lal and he had voluntarily given up Jethu Ram out of these witnesses. The witnesses cited at serial No.53 Jasbir Singh was examined to prove the function of '*Grah-Pravesh*' at his house on 16.06.2002, attended by the petitioner at Sri Ganga Nagar.

9. The witness mentioned at serial No.31 was sought to be examined to prove that the petitioner-accused did not reside at the alleged old Dera and that he associated tours by petitioner-accused as security guard. On this point, petitioner had also cited witness No.29 to state about old Dera rooms and their residents and other facts.

10. Perusal of list of witnesses shows that there is multiplicity of the witnesses, sought to be examined in defence. For instance, in order to prove a sale deed, deed writer, attesting witness, seller, witnesses from the office of Sub Registrar, all were sought to be examined. No doubt, to allow a fair chance to accused to lead defence evidence is his fundamental right but at the same time, the Court cannot be guided or swayed by mere wish and whim of the accused, who wants to examine a number of witnesses to prove one point. The Court time is public time and is very precious. If on perusal of relevancy of witnesses, the Court by its order restricts number of witnesses to be examined in defence without causing any prejudice to the accused, such order cannot be termed as illegal or against cannon of justice. Applying the same principle, the permission to examine four out of nine witnesses mentioned at serial No. 31, 33, 34, 35, 44, 45, 49, 52 and 53 fully met with the ends of justice to prove the points, the petitioner wish to bring on record. Learned trial judge committed no error by giving option to petitioner to chose either of four material witnesses out of nine, who as discussed above, were repetitive witnesses on a single point. As already discussed, one witness out of witnesses mentioned at serial No.33 to 35 could prove the publication and coverage of Satsang at Budharwali (Sri Ganga Nagar, Rajasthan) on 15, 16 and 17 June 2002. In the same manner, out of witnesses mentioned at serial No.44, 45, 49 and 52, the petitioner could chose one witness to examine. In

this manner, by giving choice of examination of four witnesses out of nine witnesses mentioned at serial No. 31, 33, 34, 35, 44, 45, 49, 52 and 53, trial Court had given ample opportunity to the petitioner to prove his defence. It is the petitioner himself, who has given up the witness mentioned at serial No.49 while one witness had expired.

11. In view of the above, I am of the considered opinion that order dated 06.04.2015 passed by learned Special Judge (CBI), Haryana at Panchkula suffers from no illegality. While deciding other revision petitions and on perusal of paper book, I have found that the petitioner and other accused have come up in numerous revisions and criminal miscellaneous petitions in this case. Even order by the trial Court refusing the adjournment are under challenge in different petitions. The Court cannot be a moot spectator or expected to act as per the whims and fancies of the accused. It has to apply its mind and determine relevance and necessity of witnesses sought to be examined in defence from the point of view of accused and is competent to restrict the number of witnesses sought to be examined by declining permission to examine irrelevant witnesses. Order dated 06.04.2015 passed by the trial Court is well-reasoned order, which call for no interference in these revision petitions.

12. As a sequel of my above discussion, both the above mentioned revision petitions have no merits.

Dismissed.

July 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No