

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

CRM-M-44114 of 2017(O&M)

Date of Decision: 19.01.2018

PAWAN KUMAR VERMA AND OTHERS

....Petitioners

Versus

STATE OF HARYANA

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Vikramjeet Singh, AAG, Haryana.

Mr. Sukant Gupta, APP, U.T., Chandigarh.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuance of appropriate directions to learned Trial Courts in the State of Haryana, to secure the presence of the petitioners as well as to proceed with the trial of the petitioners in various FIR's registered in the State of Haryana using video conferencing/electronic video linkage as there are more than 70 FIR's in State of Punjab, Haryana, Rajasthan and Himachal Pradesh and thus there are practical difficulties to appear before each and every trial Court.

In response to the notice of motion issued by this Court the affidavit dated 19.01.2018 of Deputy Superintendent of Police, State Crime Branch, Gurugram has been filed and taken on record. Copy supplied to the learned counsel for the petitioners and in the affidavit it has been inter alia submitted as under:

“In this behalf, it is submitted that the State of Haryana has no objection if the trials of the

petitioners in the criminal cases registered in the State of Haryana are proceeded/concluded through Video conferencing facility or any other electronic mode as per law as it will facilitate the concerned police to produce the petitioners in the trial Courts on each and every date of hearings. It will also save the State of Haryana from transportation expenses to be incurred in this behalf and the precious time of the Hon'ble trial Courts.”

Perusal of the relevant part of the affidavit reproduced above, makes it clear that State of Haryana has no objection in case the trial of the petitioners in the different criminal cases registered in State of Haryana are proceeded through video conferencing or any other electronic mode adopted as per law.

In view of the above the prayer of the petitioners has virtually been acceded by the State and consequently no further directions are required in this matter.

In view of the categorical stand taken by State of Haryana in above affidavit, State of Haryana shall be bound by the assertions made therein.

It is the apprehension of the petitioners that learned trial Court(s) may not conclude the trial by way of video conferencing/electronic mode by interpreting the law in some different manner. Although, it is only an apprehension, but still it is clarified that whatever is permissible under the law shall be followed by learned trial Court(s) for video conferencing/other electronic mode.

Mr. Sukant Gupta, APP, U.T. Chandigarh has apprised this Court on instructions from Krishan Kumar, Economic Offence Wing,

Chandigarh Police that there is no criminal case pending against the petitioners in U.T. Chandigarh. Therefore, no directions are required to be issued to the U.T. Chandigarh.

It has also been pointed out by learned counsel for the petitioners that as on today, the petitioners have been lodged in Central Jail, Alwar and there is a video conferencing facility available and Jail Authorities may also be directed to proceed through video conferencing. In case such a facility is available in Alwar Jail and there is no legal hitch for the Jail Authorities at Alwar to proceed further in the manner indicated above the request of the petitioners shall be considered sympathetically and as per law.

Disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

January 19, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no