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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.2560 of 2021 (O&M)

Date of decision: 16.11.2021

Kaushal

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a direction to the official respondents to protect the life and liberty of the petitioner, while he is produced in the Court premises of District Court, Gurugram.

Reply by way of affidavit of the Superintendent of Jail, Central Jail-1, Hisar, as well as Assistant Commissioner of Police, Sadar Gurugram, are on record.

As per the affidavit of the Superintendent of Police, Central Jail, Hisar, the petitioner is facing trial in as many as 38 cases and was transferred from District Jail, Gurugram on administrative ground by order of the Director General of Police, Haryana and is presently confined in security ward of the jail and is being provided proper security in jail. It is further stated that the petitioner is a hardcore criminal claiming himself to be a gang leader of Kaushal Gang and has rivalry with other criminal gang and necessary arrangements have been made inside the jail to keep him away from the other prisoners.

As per the reply filed by the Assistant Commissioner of Police, Gurugram, the petitioner is involved in number of cases including the offences of heinous crime and is a hardcore criminal and efforts are made that appearance of the petitioner through video conferencing and the concerned District Courts, Gurugram, has been requested from time to time by the Gurugram police that his presence be procured through video conferencing. It is also stated that now due to opening of physical hearing, the personal appearance of the petitioner is required and as and when the same is required, a special vehicle of escort guard, Hisar along with 10-12 police officials with arms and ammunition under the supervision of Inspector are deputed.

Counsel for the petitioner has further submitted that in order to avoid any such untoward incident, the concerned Courts be directed that the appearance of the petitioner be conducted only through video conferencing and his personal appearance be not required by the Courts as even in case, where the evidence is to be recorded or where the personal appearance of the petitioner is required by the concerned Courts, the same may be dispensed with by marking the presence of counsel for the petitioner. It is further submitted that the petitioner will have no objection if, in his absence of personal appearance, recording of the evidence/cross-examination of the witnesses, can be conducted through his counsel.

Accordingly, the present petition is disposed of with a direction to all the concerned Courts, before whom the petitioner is facing the trial, to procure the presence of the petitioner except when his signatures are required on substantive hearing like framing of

charge or recording of 313 Cr.P.C. statement.

Since an undertaking has been given by the petitioner that in all the cases, the evidence may be recorded in his absence by his counsel and he will not raise any objection regarding his own identity as well as the identity of the witnesses.

(ARVIND SINGH SANGWAN)
JUDGE

16.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No