

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

CRWP-8859-2021

Date of decision : 22.11.2021

Ravinder @ Thekedar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikas Gulia, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is the criminal writ petition under Article 226 of the Constitution of India directing the official respondents to protect the life and liberty of the petitioner as the petitioner is receiving threats to his life at the hands of other prisoners as well as their associates who are outside. A further prayer has been made for directing the official respondents to produce the petitioner on every date of hearing through Video Conference in the seven FIRs in which he is involved as the petitioner has apprehension that if he would step out of jail to appear in the Court or otherwise, then he would be killed.

Learned counsel for the petitioner has submitted that the petitioner is involved in seven FIRs, the details of said FIRs are reproduced hereinbelow:-

of IPC, pending before Ld.SDJM Gohana.

(ii) FIR No.135 of 2017, P.S. Baroda, u/s 148, 149, 302, 506 of IPC, pending before Ld.ASJ Sonipat.

(iii) FIR No.124 of 2021, P.S. City Sonipat, u/s 148, 149, 186, 332, 302, 120B of IPC, pending before Ld.ASJ Sonipat.

(iv) FIR No.185 of 2018, P.S. Baroda, u/s 307, 386, 34 of IPC, pending before Ld.ASJ Sonipat.

(v) FIR No.95 of 2019, P.S. Baroda, u/s 148, 149, 341, 324, 302, 506 of IPC, pending before Ld.ASJ Sonipat.

(vi) FIR No.90 of 2019, P.S. Baroda, pending before Ld.SJ/DJ Sonipat.

(vii) FIR No.246 of 2019, P.S. Baldev Nagar, u/s 379B, 201, 34 of IPC and 25/54/59 of Arms Act, pending before Ld.ASJ Ambala.”

It is further submitted that as far as FIR no.124 dated 21.02.2021 is concerned, the same has been registered against 14 persons which also includes Mahipal @ Malha, Dinesh and the petitioner. It is submitted that said FIR has been registered against abovesaid two persons, the petitioner and other persons on account of murder of Jagbir in jail, who is stated to be the leader of a big gang. The said murder was committed in the Sonipat Jail and thereafter, the petitioner along with Dinesh and Mahipal @ Malha have been shifted to Central Jail, Ambala. It is further submitted that said Mahipal @ Malha has approached this Court by filing CRWP-9552-2021 and co-ordinate Bench of this Court vide order dated 01.11.2021 was pleased to direct the Superintendent, Central Jail, Ambala to produce the petitioner in different Courts in the State of Haryana through

Video Conferencing. To the similar effect, an order was passed by a co-ordinate Bench of this Court in CRWP-9562-2021 titled as ***“Dinesh vs. State of Haryana and others”*** on 11.10.2021. It is submitted that the case of the petitioner is on the same footing as that of Mahipal @ Malha and Dinesh and even the petitioner has apprehension of danger to his life in case the petitioner appears in the Court or goes out of jail.

Learned counsel for the petitioner has also relied upon judgment of Hon'ble Supreme Court in ***“Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav & another, 2005(1) RCR (Criminal) 988,*** in support of his arguments.

Learned State counsel, on the other hand, has submitted that as per above said two orders, it has been noticed that there is a facility of video conferencing in Central Jail, Ambala and in view of the order passed by the co-ordinate Bench of this Court in Mahipal @ Malha's case and Dinesh's case, the petitioner could be produced through video conferencing before the different Courts in State of Haryana, if so ordered.

This Court has heard learned counsel for the parties.

There are seven FIRs against the petitioner which have been detailed hereinabove in different districts of the State of Haryana. The petitioner as well as Mahipal @ Malha and Dinesh, who were similarly placed as the petitioner, have apprehension of threat from unknown persons on account of being involved in FIR no.124 dated 21.02.2021 vide which the petitioner along with Mahipal @ Malha and Dinesh and others persons have been alleged to have committed the murder of Jagbir, who is stated to be the leader of a big gang. The relevant portion of order passed in Mahipal

@ Malha's case is reproduced hereinunder:-

“The present criminal writ petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioner at the hands of some unknown person and to produce the petitioner on each and every date of hearing through Video Conference (V.C.) as he has an apprehension that in case, he goes out of the jail to appear before the trial courts, he would be killed.

Learned counsel for the petitioner submits that there are as many as 12 FIRs registered or pending against the petitioner in different districts in the State of Haryana.....

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*Learned counsel for the petitioner relies upon the judgment passed by the Hon'ble Supreme Court in case titled '**Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another**, 2005(1) RCR (Criminal) 988.*

Learned State counsel submits that as per the affidavit dated 21.10.2021, the facility of Video Conferencing is available in Central Jail, Ambala and the petitioner would be produced through video conferencing before the different courts in the State of Haryana, if ordered so.

I have heard the learned counsel for the parties.

Since there are as many as 12 FIRs pending or registered against the petitioner in different districts in the State of Haryana, he has to appear there physically. The petitioner is having a threat, which was allegedly exerted by some unknown persons to him on 18.08.2021 and the matter was brought to the notice of the local police, but no action had been taken thereon. Even as per the affidavit dated 21.10.2021 filed by the

Superintendent, Central Jail, Ambala, the facility of video conferencing is available in Central Jail, Ambala, and the petitioner would be produced through video conferencing before the different courts in the State of Haryana, if ordered so.

In view of the above, the Superintendent, Central Jail, Ambala, is directed to produce the petitioner in different Courts in the State of Haryana through Video Conferencing.

It is made clear that as and when the personal appearance of the petitioner is required by the trial Courts, he shall be produced accordingly.

Disposed of in the above terms.”

To the similar effect, the order was passed in Dinesh's case (supra).

Keeping in view the above said facts and circumstances and also the orders passed in Mahipal @ Malha and Dinesh's case, the present petition is disposed of with a direction to the Superintendent, Central Jail, Ambala, to produce the petitioner in the above said seven FIRs in different Courts in State of Haryana through video conferencing.

It is also made clear that as and when the personal appearance of the petitioner is required by the trial Court, he shall be produced accordingly.

(VIKAS BAHL)
JUDGE

November 22, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No