

CRWP-9552-2021

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

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Date of decision: 01.11.2021

Mahipal @ Malha

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Copy of affidavit of the Superintendent, Central Jail, Ambala,
has been filed in the Registry, is taken on record.

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. It is further submitted that on 18.08.2021,

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when the petitioner was physically produced before Additional Sessions Judge, Panipat, in case bearing FIR No.188 of 2018 registered under Section 379-B read with Section 34 IPC, at Police Station Israna, then some unknown persons had threatened to kill him very soon. At that time, the petitioner brought the matter to the notice of the local police, but to no avail. It is prayed that the petitioner be allowed to appear before the different Courts through Video Conferencing.

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

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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.

01.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No