

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

CRM-M-7556-2022 (O&M)

Date of Decision: September 21, 2022

Hemu @ Hemraj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vishal Yadav, Advocate for respondent Nos.4 to 7.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction to the respondents to provide security to the petitioner at the time of his appearance in trial Court at Faridabad and Palwal from District Jail, Gurugram, as there is imminent danger to his life.

Notice of motion in this case was issued on 22.02.2022, the contention of learned counsel for the petitioner as had been recorded in the said order, reads thus:-

“ This petition has been filed by the petitioner expressing apprehensions to his life in the event of being produced physically for appearance in various Court proceedings pending against him.

Learned counsel for the petitioner contends that appropriate security arrangements be made at the time of taking the petitioner for physical appearance and/or in the alternate he also submits that the State may examine the possibility of producing the petitioner in Court proceedings by means of Video Conferencing.”

Learned State counsel has filed a reply by way of affidavit dated 19.04.2022 of Dinesh Kumar, Deputy Superintendent, District Prison, Gurugram (Haryana), wherein even the State has prayed that the trial of all the cases pending against the petitioner may be ordered to be conducted through video conferencing. The said prayer reads thus:-

“5. That, it is humbly prayed before the Hon'ble High Court that trial of all the cases of the petitioner may be ordered to be conducted through video conferencing in the interest of justice.”

Learned State counsel further submits that there are five more cases pending against the petitioner, the details of which are mentioned in para 2 of the reply.

There are apprehensions which the petitioner has expressed in para 3 of the petition, which reads thus:

“3. That the petitioner was falsely implicated for the murder of Deva resident of Kanjarpur @ Jodhpur, District Palwal that now the family members of deceased Deva namely Hrkesh son of Mahender, Pooja daughter of Mahender and Sarpanch Sunder son of Sh. Jagdish, Mahender son of Jagdish, residents of Village Kanjarpur @ Jodhpur, District Palwal, in connivance with Inspector Vishva Gaurav, posted at Palwal at any time want to get murder the petitioner either in jail or at the time of his peshi at Courts in Faridabad and Palwal, where the petitioner is facing trial in false cases.”

This Court in CRM-M-25433-2022, titled as **“Raj Kumar and others vs State of Haryana”** decided on 21.09.2022 has permitted the recording of statements through video conferencing based on an order

passed by a coordinate Bench of this Court in CRM-M-4900-2021, titled as ***“Ravinder Ghotra and others vs State of Haryana and another”*** decided on 28.04.2022.

The prayer made by the learned counsel for the petitioner and also by the State and in view of orders passed by this Court in aforementioned cases and in view of the peculiarity of the facts of this case, it is directed that the trial of the petitioner be conducted through video conferencing.

The petitioner has also prayed for direction to the Superintendent of Jail, Gurugram to shift the petitioner from isolation ward (Chakki) to the normal ward.

In response to the learned State counsel submits that the petitioner was shifted to the isolation ward, in view of the apprehensions expressed by him in para 3 of this petition that the family of the deceased want to get him murdered in the jail or at the time of his peshi at Courts, where he is facing the trial that he was shifted to the high security ward. Learned State counsel submits that the petitioner has not moved any representation before the jail authorities to shift him to the normal ward, however, in case any such representation/request is made by the petitioner, the same shall be considered and decided, in accordance with law.

The aforesaid statement satisfies the counsel for petitioner, who in view of the same states that the instant petition may be disposed of as having been rendered infructuous.

In view of the aforesaid, the present petition is disposed of.

September 21, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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