

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-4190-2023 (O&M)

Decided on : 30.05.2023

Dheeraj @ Dheeru @ Dheeraj Yadav . . . Petitioner(s)

Versus

State of Haryana and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J. P. Jangu, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, after hearing the petitioner on 01.05.2023, this Court passed the following order:-

“Present: Mr. J.P. Jangu, Advocate for the petitioner(s).

1. *Petitioner – Dheeraj @ Dheeru @ Dheeraj Yadav, aged about 28 years, has filed instant petition for seeking protection to his life and liberty from the hands of unknown persons, as he is receiving threats from the persons, who are claiming themselves to be members of the influential gangs i.e. Sube Gang & Kaushal Gang.*
2. *Learned counsel for the petitioner submits that in view of the fact that petitioner is receiving threats to his life, either he be produced before the Court through video conferencing or an adequate security be provided while producing him before the Court.*
3. *Notice of motion for 30.05.2023.*
4. *On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents (State).*
5. *Let requisite copies of the complete paper book be supplied to learned State counsel during course of the day.*
6. *Learned State counsel, on instructions from ASI Harjit Singh, informs the Court that in fact petitioner is involved in total nine criminal cases of serious nature, however, he seeks time to file status report in this regard.*
7. *May do so, on or before the next date of hearing with copy an advance to the counsel opposite. ”*

2. Today, reply dated 29.05.2023 by way of an affidavit of Satyabhan, Deputy Superintendent, District Jail, Gurugram has been filed by

learned State counsel on behalf of respondents No. 1 to 3. Same is taken on record. Registry is directed to tag the same at appropriate place.

3. Learned State counsel points out that petitioner is involved in total 09 criminal cases and apart this, petitioner has been acquitted in other three criminal cases.

He also points out that as per Rules 11, 12 and 13 of the Punjab Prisoners (Attendance in Courts) Rules, 1969, as applicable in the State of Haryana, State police is duty bound to protect the prisoners while producing before the learned Trial Court(s).

4. State counsel further submits that as per Section 9 (2)(e)(f) and (g), Police is responsible for safe custody of the prisoners, thus, learned DAG, Haryana also submits that as on day video conferencing system for the protection of accused before the Trial Court(s) is available under all the States in India.

Further submits that petitioner shall also be produced before the trial Court(s) in all the cases through video conferencing, unless learned trial Court(s) directs for physical appearance of the petitioner/accused.

5. To require production of an accused before learned Trial Court(s), is prerogative of the such Court(s); whether the accused be produced through video conferencing or physically.

Relevant paragraph No. 5 of the said status report says as under:

“5. That, it is also submitted before the Hon'ble High Court that this prison having Video Conferencing System for the production of accused before the Ld. Trial Courts within the all states of India, that the petitioner shall be produced before the Ld. trial courts in all the cases through Video Conferencing proceedings unless Ld. trial courts passes orders for production physically in the Ld. trial courts.

Production of accused in Ld. trial courts through Video conferencing or physically is to be decided by the concerned Ld. trial courts.”

6. In view of the stand taken by State in its status report, counsel for the petitioner feels satisfied and thus, does not wish to press the present petition, at this stage.

7. Accordingly, present petition stands disposed of, being not pressed, at this stage.

(SANJAY VASHISTH)
JUDGE

30.05.2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>