

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

208

CRWP-11031-2022

Decided on : 14.03.2023

Tek Chand

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amrindra Pratap Singh, Advocate for
Mr. Gurnam Singh, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Order dated 22.11.2022, says as under:-

“Counsel for the petitioner contends that only on the basis of disclosure statements, petitioner has been projected as accused in 22 criminal cases, and trials in all the cases are pending. Few criminal groups/gangs prevalent in the State of Haryana are also after the petitioner to liquidate him and trying to find out suitable time, while petitioner has to appear before the various Courts.

Petitioner has also prayed to get his presence marked in the trial proceedings through video conferencing mode, especially in the cases, where he is not directly involved. Petitioner has also prayed for adequate special security while taking him to the various Courts in the States of Haryana, U.P., Rajasthan and NCR Delhi for the trial proceedings in different cases.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents. He seeks time to file status report/reply in the

matter.

Let requisite copies of the paper book be supplied to the learned State counsel during course of the day.

Adjourned to 20.12.2022.”

2. Again matter was taken up on 10.01.2023, and following order was passed:-

“Para No. 4 of the status report dated 17.12.2022, filed on behalf of respondent Nos. 1,2 and 5, which was taken on record vide order dated 20.12.2022, says as under:-

*“4. That so far as the issue raised at point (ii) is concerned, it is submitted that first of all the DCP Crime, Gurugram has written the letters to the Presiding Officers of the Courts at District Gurugram, in which the trial of the above mentioned FIRs is going on, with the request to hold the trial proceedings through video conferencing keeping in view the protection of the petitioner and to avoid any untoward incident. The matter of conducting the trial through video conferencing is under consideration with the Presiding Officers of the concerned Court. It is pertinent to mention here that 1-2 Presiding Officers have started the trial proceedings of the petitioner through video conferencing. The said letters written to the concerned Presiding Officers are attached herewith as **Annexure R-1 (Colly)**.”*

After going through the stand taken in the reply of respondents No. 1, 2 and 5, counsel for the petitioner refers to the reply dated 17.12.2022 on behalf of respondent No. 6, Para 3 of which says as under:

“3. 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 counsel for the petitioner submits that though Director General of Police of State of Haryana has requested

the Presiding Judge of District Gurugram, yet, said request requires to be repeated for other districts also i.e Faridabad and Palwal. In Faridabad, 9 cases are pending and in Palwal, 3 cases are pending against the petitioner. Upon this, learned State counsel seeks time to get necessary instructions in this regard as well.

Adjourned to 17.02.2023.

If any such decision is taken as desired by the petitioner, respondent No. 5 will show affidavit in that regard on or before the next date of hearing.”

3. Today in compliance to the order dated 17.02.2023, learned State counsel has filed the affidavit dated 15.02.2023, of Mr. Kala Ramachandran, Commissioner of Police, Gurugram (respondent No.5), in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel submits that as per the aforesaid affidavit of the Commissioner of Police, Gurugram, Director General of Police, Haryana, has already directed the Commissioner of Police, Faridabad and Superintendent of Police, Palwal, to comply with the orders of the Court.

5. It is also submitted that the Commissioner of Police, Faridabad, has also informed that request letter has been submitted to the Presiding Officers of concerned Courts to conduct trial of cases against the petitioner through video conferencing. Said request has been forwarded to the Presiding Officers through Deputy Commissioner of Police, Crime, Faridabad. Similarly, Superintendent of Police, Palwal, has also sent a request to the Presiding Officers of the concerned Courts to conduct trial of

cases against the petitioner through video conferencing.

6. Thus, request made by the petitioner has already been adhered to by the State Administration by taking necessary steps. However, it will be for the concerned Court(s)/Presiding Officer(s) to decide the request of the petitioner and requests sent from the Police Department, and then to take a final decision as convenient to the Court(s) for conducting of smooth trial.

7. Learned counsel for the petitioner submits that concerned Presiding Officer(s)/Court(s) should be directed to ensure the protection of life of the petitioner, in case, it becomes necessary to produce the petitioner before the Court concerned.

8. I have considered the reply filed by the state and the apprehension expressed by the petitioner. Therefore, it is directed that the jail authorities of the State of Haryana, would ensure the complete security of life of the petitioner, while taking him to the Court premises during the course of hearing, if so required/warranted. However, it is also expected that the concerned Presiding Officer/Court in all the pending cases would take decision regarding conducting of the trial, by having presence of the petitioner through video conferencing well in advance to the date fixed in a particular matter.

9. With the aforementioned observations, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 14, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No