

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.965 of 2022 (O&M)
Date of Decision: 09.01.2024

Mukesh Kumar

..... Petitioner

V/s.

State of Haryana and Another

.....Respondents

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Tejinder Pal Singh, Advocate for the petitioner.

 Mr. Pardeep Singh Poonia, Amicus Curiae.

 Mr. Vikram Pamboo, Sr. DAG, Haryana.

 Mr. G.S. Sandhu, Advocate for respondent No.2.

 Ms. Annie, legal aid counsel for respondent No.3.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
197	20.06.2017	Nissing, District Karnal	7 and 13 of the Prevention of Corruption Act, 1988

Seeking setting aside of order dated 16.12.2021 vide which application dated 13.12.2021 filed by the petitioner for re-examination of PW-13 Bhanwar Singh as per the rules framed by the Hon’ble Supreme Court and this Court regarding recording of evidence through Video Conferencing, has been declined, the petitioner has come up before this Court under Section 482 Cr.P.C.

2. Mr. P.S. Poonia, Amicus Curiae submits that the statements of the witnesses were recorded prior to the notification of the rules. Moreover, the same were recorded in the presence of the counsel for the petitioner i.e. on 14.10.2021. Counsel for the petitioner submits that the rules in question were circulated later on by the Registrar General of this Court. The petitioner’s grievance is that the prayer for recording of evidence through Video Conferencing was declined by violating the rules framed by this Court and Hon’ble Supreme Court. On this Mr. Pardeep Singh Poonia, learned *amicus curiae* argued that the rules had come into force on 10.12.2021.

3. Learned *amicus curiae* submits that the draft rules will not give any legal right to the petitioner, given the circumstances of the present case.

4. This Court agrees and appreciates the precise and accurate assistance provided by the learned *amicus curiae* -Pardeep Singh Poonia.

5. Given above, no *lis* survives and the petition stands disposed of. All pending applications, if any, also stand disposed of.

6. Legal aid counsel shall be entitled for her fee in accordance with law. Concerned official to ensure payment of her fee well in time.

9th January, 2024
Sonia Puri

(ANOOP CHITKARA)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No