

---

# **PROSECUTION DEPARTMENT, HARYANA**

**MINI COMPENDIUM OF POLICIES, SCHEME  
AND INSTRUCTIONS/ DIRECTIONS RELATES  
TO CRIMINAL TRIAL AND DUTIES OF LAW  
OFFICERS (DISTRICT ATTORNEY/ DEPUTY  
DISTRICT ATTORNEY/ ASSISTANT DISTRICT  
ATTORNEY) WORKING IN DISTRICT COURTS.**

## INDEX

Sr. No.	Contents	Page no.
1.	Challan Checking Instructions	01-17
2.	Standard Operative Procedure for Mines and Mineral Act, Investigation, Haryana Development and Regulation of Urban Areas Act, 1975 (HDR Act), Medical Termination of Pregnancy Act, 1971 (MTP, Act) and Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (PC & PNDT Act)	18-33
3.	<b>Standard Operating Procedure (S.O.P.) for accused persons languishing in the Jails of Haryana, who are to be produced before the criminal courts situated in Haryana, through Video Conferencing and its advisory.</b> (policy framed vide order no. 46/24/2018-4JJ(II) dated 06.12.2018)	34-43
4.	<b>Summoning Policy-</b> a policy for ensuring the service of summons and timely presence of the witness and accused before the Learned Trial Court with a view to ensure expeditious trial and to avoid delay:- framed/issued vide notification no. 12/64/2019-4HG-IV dated 20.02.2020	44-46
5.	<b>Haryana Witness Protection Scheme, 2020-</b> issued vide notification No. 4/18/2017-2HC dated 14.09.2020	47-58
6.	<b>Standard Operating Procedure (S.O.P.) for Investigation/Prosecution of cases under the <u>Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [SC &amp; ST (POA) Act]</u>:-</b> issued vide notification no. 2/5/2020-5JJ(I) dated 04.12.2020	59-67
7.	<b>Standard Operating Procedure (S.O.P.) for Public Prosecutors/Assistant Public Prosecutors regarding scrutiny of Challan and conducting of Prosecution/Trial in <u>Bank Fraud Cases</u>:-</b> issued vide no. 11.7/2021-3JJ(I) dated 04.02.2022	68-72
8.	<b>Standard Operating Procedure (SOP) for guidance to Law Officers:-</b> issued vide order no. 10/70/2021-2JJ-I dated 17.03.2022	73-80
9.	<b>Standard Operating Procedure (S.O.P.)/Guidelines for ensuring expeditious and fair trial in cases registered under <u>Narcotic Drugs and Psychotropic Substance Act, 1985</u> (issued vide notification no. 4/2/2022-2HC dated 14.09.2022)</b>	81-88
10.	Chinhit Apradh' Scheme and Relevant Instructions	89-97

①

From

The Director of Prosecution, Haryana.

To

All the District Attorneys posted at District Head Quarters in the State.

No. Cr1. Misc. /108-99/ 14230-40  
Dated, Panchkula, the, 17-11-99

Subj: Instructions regarding checking of challan by the Law Officers.

Reference this Department letter No. Cr1/Misc. (108)/81/1725-36, dated 26.2.81, No. 5198-6209, dated 4.5.81, No. 2848-59, dated 17.3.82 and No. 5977-97, dated 13.5.90 on the subject cited above.

It has come to the notice of this department that law officers do not check the challans thoroughly. The scrutiny of the challans is not a mere formality but a serious matter and the law officers should thoroughly check the challan keeping in view the points mentioned in the enclosed proforma. It is most essential to see that all the witnesses mentioned in the FIRs, statements of witnesses recorded under section 161 Cr.P.C. are cited as witness in the list of witnesses. The attesting witnesses of the recovery memos be also taken care of, speedy disposal of the criminal cases is the need of hour. All efforts should be made to examine only the essential witnesses. The formal witnesses must be cited in the list of witnesses but a note be given against the names of the formal witnesses regarding their non-examination at the time of trial. The law officer should insist on the attaching of affidavits of formal witnesses even if they have been transferred outside the

district. The police officer who has signed the report under Section 173 Cr.P.C. can also be easily given up and his signatures be proved from the Investigating Officers or any other police witness in the case. All these things should find mention in the checking memo of the challan. There is no use of giving up the formal witnesses after his attending the court. The basic purpose is to save the time of the court from issuing summons to such formal witnesses.

Top priority should be given to checking of challan involving heinous crimes. All efforts should be made to check these challans on the date of its receipt or the succeeding day. Special care should be taken in those cases in which the accused are in custody. All efforts should be made to fully ensure that the accused are not enlarged on bail on the ground of non filing of the challan within stipulated period of 90 days/60 days.

If the accused is released on bail on the grounds of non filing of the challan within 90 days/60 days then immediate information be sent to the Superintendent of Police and to this office. The objections should not be raised for the sake of objections. The compliance of objections should be fully checked and ensured and the Investigating officer should not be fully believed regarding it. If the material objections are not complied <sup>with</sup> the matter should be referred to the Supervisory Officer of the District.

..J..

and any deviation from the instructions...  
viewed. You are further requested to bring these instructions  
to the notice of all the law officers working under your  
control for strict compliance.

Encl: As above

*Ram Lal*  
Director of Prosecution, Haryana.  
21/11/99

*All Law Offices  
Pl go through the  
contents and act  
accordingly.*

*21/11/99*

s/sh. DDA

- 1) A. K. Singh " *A. K. Singh*
- 1) Ramo Pand " *2*
- 1) N. M. Mehta " *Mehta*
- 1) C. L. Sarda " *Sarda*
- 1) Harpreet Singh " *85*
- 1) Chhatra Singh " *Chhatra*

s/sh. A.D.A.

- 1) Balbir Singh " *P.L.*
- 2) Narain Singh " *Narain*
- 3) Balinder Singh " *Balinder*
- 4) Babu Ram " *Babu Ram*
- 5) Pasqua Singh " *Pasqua*
- 6) Nagua Ram " *Nagua Ram*
- 7) Bhurat Singh " *Bhurat Singh*
- 8) Santolap Singh " *Santolap Singh*
- 9) Harish Chandra " *Harish Chandra*

FORM No. 27.1 (3).  
Memorandum of Chalan  
In case

F.I.R. No. \_\_\_\_\_ dated \_\_\_\_\_ Crown vs. \_\_\_\_\_  
Police Station \_\_\_\_\_ Section \_\_\_\_\_

1. Whether all the papers and documents entered in the list given on the chalan are properly attached to the chalan?
2. Are all the columns of chalan form duly filled in? Note any mistake made in filling the form.
3. Does the list of property entered in column No. 5 tally with the list given in Road Certificate? Note any discrepancies.
4. Is the copy of Police Station Form complete? Does it contain a copy of the F.I.R.? Is the file properly prepared and signed by Station seal, etc.?
5. Is the plain of spot prepared according to instructions, i.e., whether the notes on it are entered by the investigating officer in red ink, and if these notes appear to be made correctly?
6. Are the sketches of the weapons of offence attached to the chalan? Do they bear the signatures of the preparing officer and the weight of the weapon?
7. Is the list of stolen property attached to the chalan? If so, does it bear the signatures of the complainant and the officer writing the list, with date?  
- In murder and hurt cases whether the post-mortem reports, inquest reports, statements of injuries, Chemical Examiner's and Imperial Serological's reports attached to the chalan or not?
8. Whether the list of properties, etc. recovered, produced, or seized in the case are correctly prepared, dated and signed by witnesses and officer preparing them? Also whether the signatures of the witnesses of recovery who are entered in the chalan appear on the list?
9. Were the accused's search slips sent to Bureau and was any reply received? If so, what?
10. Are the identification certificates of the accused attached to chalan?
11. Which of the accused are previous convicts? Give brief note of their conviction with dates.
12. Whether all the persons who were accused of committing the offence in the F.I.R. or First Case diary have been sent up for trial? Note if some of them are omitted or some new are added. Also note if the officer sending the chalan has noted any reasons for doing so in the brief.
13. Is the Police brief prepared according to instructions? Note defects. (Paragraph 27.9)
14. Are all the eye or other necessary witnesses whose names were mentioned in F.I.R. entered in the chalan? If not, are any reasons given in brief for doing so?
15. Note the dates on which the several accused were arrested.
16. Were remands regularly taken and was the chalan prepared in proper time?

18. Whether all necessary evidence has been attached to the chalan. Note are any omissions.

19. Whether the personal bonds and bail bonds of accused persons and the recognizances of all witnesses are attached to the chalan or not? If they are attached, note if they are complete, and properly bind the accused and witnesses for attendance. If arrangements for producing witnesses along with the chalan have not been made, are any reasons given in the chalan for not doing so?

20. Note in cases relating to proceedings under Section 299 Criminal Procedure Code, if the full description of the absconders and list of the property owned by them are attached to the chalan. Whether separate report for obtaining the warrant of arrest of absconder was received, whether proceedings under Section 82/83/84 Criminal Procedure Code, have been started.

21. In cases of kidnapping and abduction note if the medical opinion and copies of birth register are attached with the chalan.

22. Whether the statements of prosecution witnesses were separately recorded under Section 161/162, Criminal Procedure Code?

23. By whom has the chalan been prepared?

24. Has any unnecessary delay been made in the course of investigation or in chalaning the case?

25. Other necessary facts, defects and omissions made in the investigation, etc., which require special notice or which necessitate some action. Particular care should be taken to see whether enquiry has been made regarding the connections of Prosecution Witnesses with the complainant and with the accused.

26. A brief order issued or action taken on the chalan.

27. Final decision of the case with date.

28. Note any undue delay made by court in dealing with the case. Instances in which witnesses were produced with the chalan and were sent back unheard, delays in framing charges, hearing arguments or pronouncing judgments, etc.

29. If the case ends in discharge or acquittal, copy of the judgment should be attached with an opinion as to whether or not the case is a fit one for revision or an appeal.

From

The Director of Prosecution, Haryana.

To

All the District Attorneys posted  
at District Headquarters.

*Amambala*

Memo No.Crl/Misc/2000/ 552-72

Dated, Panchkula, the, 24-1-2000

Sub:

Instructions regarding Checking of Challans  
by the Law Officers- Co-ordination between  
Prosecution and Police Department to achieve  
better results.

.....  
Reference on the subject noted above.

It has come to the notice of this department  
that the challans are not checked quickly which results  
in the wastage of time of the Investigating Officers.  
To ensure the prompt disposal in the checking of  
challans a register was introduced vide Circular letter  
No.Crl/Misc/(108)-81/5977-97, dated 13.5.99. You are,  
therefore, directed that a register pertaining to the  
checking of challans mentioning therein the serial No.,  
case FIR no., name of the law officer, date indicating  
the receipt of challan in the District Attorney office  
and when the same was checked/returned to the Police  
Station be maintained. The signatures of the concerned  
Police Officer may also be obtained on the register  
at the time of receipt and handing over the challan.

The Police is also experiencing difficulty



regarding production of the case property on every date of hearing. The Law officers may also be directed to request the courts to fix a particular date for the production of the case property only on the date of examination of the recovery witnesses or any other material witness. In addition to above, the courts generally do not pass any order regarding the disposal of the case property. Therefore, all the law officers be directed to also argue on the point of disposal of case property.

It has also come to the notice of this department that sometimes the Courts do not give sufficient time in bail matters. The law Officers working under you, be directed to request the Courts for giving atleast three days notice in every bail application.

The Police is also experiencing difficulty in producing hardened criminals without hand-cuffs. You are requested to direct the law officers to forward the request of the Police to the Court for seeking permission to produce the accused in handcuffs. Authorities of the Hon'ble Supreme Court in this regard may also be kept in view.

All the law Officers working under you be directed to be available for guidance of the Investigating Officers between 4.00 P.M. and 5.00 P.M. They should also apprise

the Investigating Officers of the important rulings of the Hon'ble Supreme Court/High Courts.

*Ranjit*  
Director of Prosecution, Haryana.  
21/12/2000

Endst.No.Cr./Misc./2000/

Dated:

A copy is forwarded to the Financial Commissioner & Secretary to Government, Haryana, Administration of Justice Department for information with reference to their letter No.29/39/99-2JJ(I), dated 17.12.99.

Director of Prosecution, Haryana.

Endst.No.Cr./Misc./2000/

Dated:

A copy is forwarded to the Director General of Police, Haryana, Panchkula for information and necessary action.

Director of Prosecution, Haryana.

Seen & Circulate  
to all the Law officers  
at Ambala (ADA office A/city)

*Shan*  
DA 28/12/00  
28-1-2001

~~70~~

From

The Director Prosecution, Haryana  
Bays No. 9 - 10, Sector-14,  
Panchkula.

To

All District Attorneys,  
of Haryana State.

No AP (7) 2017 6195

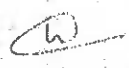
Dated 8-5-17

Mentioning of Mobile Numbers of official witnesses in the challan by the investigating officers.

With reference to letter no. 940 SPL./CB.2 dated 28.04.2017 on the subject noted above received from the Registrar General, Punjab & Haryana High Court, Chandigarh. A meeting was held under chairmanship of Registrar (Computerization) of Punjab & Haryana high Court Chandigarh on 01.05.2017 at High Court, Chandigarh and matter regarding mentioning of Mobile Numbers of official Witnesses in the challan by the investigating officers, was discussed at length and it was desired by Registrar (Computerization) of Punjab & Haryana high Court Chandigarh, that mobile numbers of official witnesses may be got mentioned by the law officers of Prosecution Department from Investigating Officers, while checking challans.

You are therefore requested that mobile numbers of official witnesses may be got mentioned by the law officers of Prosecution Department in the list of witnesses from Investigating Officers, while checking the challans and no challan (Final Report U/s 173 Cr.P.C) may be filed in the court without mentioning the mobile numbers of official witnesses.


It may be treated most urgent.

  
for Director of Prosecution, Haryana

Dated 05/5/17 8-5-17

Endst No. 6196

A copy is forwarded to Registrar General, Punjab & Haryana High Court, Chandigarh with reference to their letter no. 940 SPL./CB.2 dated 28.04.2017 for information & necessary action please.

  
for Director of Prosecution, Haryana

05/5/2017

From

The Director Prosecution, Haryana  
Bays No. 9 & 10, Sector-14,  
Panchkula

To

All District Attorneys,  
posted at District Level


Memo No.-AP(7)-2018/10450-10471  
Dated: 07.06.2018

**Subject:-** Directions regarding challan checking i.e. Report under Section 173 of Cr.P.C., especially relating to the Rape, POCSO, SC/ST, PNDT, NDPS Cases.

You all are, hereby, directed to follow the following directions while checking the challan i.e. Report under Section 173 of Cr.P.C., especially relating to the Rape, POCSO, SC/ST, PNDT, NDPS cases:

- 1) A register should be maintained by you in above mentioned cases regarding challan checking.
- 2) Challan would be firstly marked by you to the Senior Public Prosecutor for checking it in above said cases and then it would be forwarded to the Ld. Trial Court after your final examination and approval.
- 3) If the challan is not in consonance with the Legal provisions and judgments of the Hon'ble Supreme Court and Hon'ble High Courts, then it would be forwarded to the Superintendent of Police for further necessary action by you.

Failing to comply with above directions would invite strict disciplinary action against you.

  
for Director of Prosecution, Haryana

REMINDER-I

From

The Director Prosecution, Haryana  
Bays No. 9 & 10, Sector-14,  
Panchkula

To

All District Attorneys posted at District Level

Memo No.-AP (7)-2018/15286-15307  
Dated: 02-08-18

Subject: Directions regarding challan checking i.e. Report under Section 173 of Cr.P.C., especially relating to the Rape, POCSO, SC/ST, PNDT, NDPS Cases.

In reference on the above noted subject.

This office vide memo No.AP(7)-2017/10450-10471 dated 07.06.2018 has directed to all of you to follow the following directions w.r.t. challan checking i.e. Report under Section 173 of Cr.P.C., especially relating to the Rape, POCSO, SC/ST, PNDT, NDPS cases:

- 1) A register should be maintained by you in above mentioned cases regarding challan checking.
- 2) Challan would be firstly marked by you to the Senior Public Prosecutor (at least Deputy District Attorney) for checking it in above said cases and then it would be forwarded to the Ld. Trial Court after your final examination and approval.
- 3) If the challan is not in consonance with the Legal provisions and judgments of the Hon'ble Supreme Court and Hon'ble High Courts, then it would be forwarded to the Superintendent of Police for further necessary action by you.

You all are hereby again directed to follow the above direction strictly, failing which would invite strict disciplinary action against you.

  
for Director of Prosecution, Haryana

**MOST URGENT  
STRICT COMPLIANCE  
LAST OPPORTUNITY**

**THROUGH EMAIL**

**From**

The Director Prosecution, Haryana  
Bays No. 9 & 10, Sector-14,  
Panchkula.

**To**

All District Attorneys,  
posted at District Level

Memo No - AP (7)-2018/ 20073-20094

Dated: 1-10-2018

**SUBJECT:-**

**DIRECTIONS REGARDING CHALLAN CHECKING I.E.  
REPORT UNDER SECTION 173 OF CR.P.C.,  
ESPECIALLY RELATING TO THE RAPE, POCSO,  
SC/ST, PNDD, NDPS CASES.**

Reference this office letter no. AP (7)-2018/10450-10471 dated 07.06.2018 and AP (7)-2018/15286-15307 dated 02.08.2018 on the above noted subject.

You are hereby redirected to follow the following directions while checking challan i.e. Report under Section 173 of Cr.P.C., strictly especially relating to the Rape, POCSO, SC/ST, PNDD, NDPS cases:

- 1) A register should be maintained by you in above mentioned cases (as mentioned in the subject) regarding challan checking.
- 2) Challan would be firstly marked by you to the Senior Public Prosecutor i.e. Deputy District Attorney for checking it in above said cases and then it would be forwarded to the Ld. Trial Court after your final examination and approval.
- 3) If the challan is not in consonance with the Legal provisions and judgments of the Hon'ble Supreme Courts and Hon'ble High Courts, then it would be forwarded to the concerned Superintendent of Police for further necessary actions by you.

Failing to comply with above directions would invite strict disciplinary action against you.

for Director of Prosecution, Haryana

**MOST URGENT  
FOR STRICT COMPLIANCE**

**THROUGH EMAIL**

**From** The Director Prosecution, Haryana  
Bays No. 9 & 10, Sector-14,  
Panchkula.

**To** All District Attorneys,  
posted at District Level.

Memo No. AP (7)-2018/21473-21494  
Dated: 23-10-2018

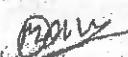
**SUBJECT:- DIRECTIONS REGARDING CHALLAN CHECKING I.E. REPORT  
UNDER SECTION 173 OF Cr.P.C.**

Reference this office Letter No. AP (7)-2018/10450-10471 dated 07.06.2018, AP (7)-2018/15286-15307 dated 02.08.2018, AP(7)-2018/17000-17021 dated 14.08.2018 and AP(7)-2018/20073-20094 dated 01.10.2018 on the subject of directions regarding challan checking i.e. report under section 173 of Cr.P.C., especially relating to the Rape, POCSO, SC/ST, PNDT, NDPS cases.

You are hereby directed to follow the following already issued directions while checking challan i.e. Report under Section 173 of Cr.P.C., strictly especially relating to Crime against Women i.e. cases registered under Sections 304-B, 306, 307, 354A to 354-D, acid attacks, all heinous crimes, Drugs Act cheating and forgery and other cases where either Government/Department/Government Officer is the complainant in his official capacity or accused person is a Public Servant/Government Employee etc. also:

- I. A register should be maintained by you in above mentioned cases (as mentioned in the subject) regarding challan checking.
- II. Challan would be firstly marked by you to the Senior Public Prosecutor for checking it in above said cases and then it would be forwarded to the J.d. Trial Court after your final examination and approval.
- III. If the challan is not in consonance with the Legal provisions and judgments of the Hon'ble Supreme Courts and Hon'ble High Courts, then it would be forwarded to the concerned Superintendent of Police for further necessary actions by you.

Failing to comply with above directions would invite strict disciplinary action against you.

  
District Attorney (HQ)  
for Director of Prosecution, Haryana

**MOST URGENT**  
**FOR STRICT COMPLIANCE**

Challan Checking  
Committee  
Instruction

Through Email

From

The Director Prosecution, Haryana  
Bays No. 9 -10, Sector-14,  
Panchkula.

To

All District Attorneys,  
posted at District Level  
in the State of Haryana.

Memo No.-AP (7)-2019/ 9849  
Dated: 03/06/19

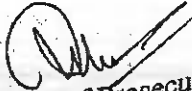
SUB:

**DIRECTION FOR CONSTITUTING COMMITTEE FOR  
CHECKING OF CHALLAN**

\* \* \*

Whereas on 03.05.2019 a meeting regarding conviction of criminal cases in Session Courts, Lower Courts and in heinous crimes was held and copy of minutes duly approved by Worthy Additional Chief Secretary to Govt. Haryana, Administration of Justice Department, Haryana has been received by this office vide memo 18/14/2018-3JJ(I) dated Chandigarh, the 15.05.2019, according to which a committee of challan checking at the level of District Attorney of district is required to be constituted which shall consist of District Attorney, Senior Deputy District Attorney and concerned Assistant District Attorney. So, in compliance of the direction of Worthy Additional Chief Secretary to Govt. Haryana, Administration of Justice Department, Haryana you are hereby directed to constitute a committee for the purpose of checking of challan in heinous crimes and of cases triable in Session Court consisting of District Attorney, Senior Deputy District Attorney and concerned Assistant District Attorney at the earliest and the Compliance Report may also be submitted to this office for onward submission to the office of Worthy Additional Chief Secretary to Govt. Haryana, Administration of Justice Department, Haryana.

Treat it as most urgent.

  
for Director of Prosecution, Haryana,  
Panchkula.



**MOST URGENT  
FOR STRICT COMPLIANCE  
THROUGH E-MAIL**

**From** The Director Prosecution, Haryana  
Panchkula.

**To** All District Attorneys,  
posted at District Level.

Memo No. - AP (7)-2018/ 24175-24196  
Dated: 03-12-2018

**Subject: - Miscellaneous Directions**

Reference on the above cited subject.

All Public Prosecutors/Assistant Public Prosecutors are directed to follow the following directions strictly:

1. To follow the directions related to the Challan checking i.e. Police Report prepared under section 173 of Cr.P.C., especially relating to the Rape cases, POCSO Act, SC/ST (POA) Act, PNDT Act, NDPS Act, MTP Act, Crime against Women i.e. cases registered under Sections 304-B, 306, 307, 354-A to 354-D IPC, acid attacks, all heinous crimes, Drugs Act, cheatings /forgery and other cases where either Government Department/Government Officer is the complainant in his official capacity or accused person is a Public Servant/Government Employee which is mentioned as under:
  - a) A register should be maintained by the District Attorney in above mentioned cases regarding challan checking.
  - b) Challan should be firstly marked by the District Attorney to the Senior Public Prosecutor for checking it in above said cases and thereafter, it should be forwarded to the Ld. Trial Court after final examination and approval of the District Attorney only.
  - c) If the challan is not in consonance with the Legal provisions and judgments of the Hon'ble Supreme Courts and Hon'ble High Courts, then it would be forwarded to the concerned Superintendent of Police for further necessary actions by you.
2. Name and Designation of the Public Prosecutor/Assistant Public Prosecutor shall be mentioned in each and every kind of challan i.e. Police Report prepared under Section 173 of Cr.P.C who has checked/forwarded to the Court for trial.
3. To make all necessary efforts/ correspondence with the concerned authorities to ensure the presence of the prosecution witnesses on the day of hearing so that the prosecution evidence could be concluded without any delay and the prosecution could discharge its burden of proof.

4. To make strict compliance of this office letter no. AP (7)-2017/1251A-1271A dated 03.04.2017 in its true spirit and the District Attorney shall conduct Session Court as far as possible. (copy enclosed)
5. To ensure the presence of accused persons languishing in jails on day of hearing either through video-conferencing or in person and make necessary correspondence with the concerned Superintendent Jail requesting to ensure the presence of accused persons languishing in jails on day of hearing either through videoconferencing or in person. The copy of the same shall be sent to the District Magistrate and Director General of Prisons, Haryana, Panchkula.
6. To ensure the production of case property before the Ld. Trial Court during the evidence and make all necessary efforts/correspondence with the concerned authorities to ensure the production of case property.
7. To make strict compliance of the direction issued by the Hon'ble Supreme Court of India passed in Criminal Appeal No. 259 of 2009, titled as "Joshinder Yadav v. State of Bihar" decided on January 20, 2014 and also to consider the same while checking the Challan i.e. Police Report prepared under section 173 Cr.P.C. and shall make necessary correspondence with the concerned competent authority to ensure the receiving and filing of FSL/ Handwriting Expert report/ Chemical Examiner Report etc.
8. To apprise the District Attorney about the defective investigation observed during the trial immediately; if any and thereafter, shall take all Mid Course Corrections, if needed, as far as legally permissible so that good cases may be presented effectively before the Ld. Trial Court and conviction of the accused (s) can be secured.
9. To send the comments/opinion in criminal cases in the format prescribed by this office issued. (Copy enclosed)
10. To give reasons for given up the prosecution witness or non-examining the prosecution witness whose name is mentioned in the list of witnesses.
11. To give reasons for closing the prosecution evidence in the comments/opinion.
12. To mention the defective investigation observed and mentioned in the judgment by the Ld. trial Court in the opinion/ comments.
13. To send statement of all witnesses, documents exhibited during the evidence and MLR/PMR/FSL/Chemical Examiner Report/Handwriting Expert Report etc. along with opinion/ comments.
14. To prepare the cases thoroughly and efficiently and go through relevant case laws before appearing in the Trial Court.
15. To consider the general reasons due to which there is acquittal of the accused persons in the criminal cases while checking the Challan i.e. Police Report prepared under Section 173 of Cr.P.C. and also to discuss the same in the meeting of District Level Monitoring Committee. (Copy enclosed)

Further, in addition to above, the District Attorneys posted at District Level being head/incharge at District Level are directed to follow the following directions:

1. To make strict compliance of this office letter no. AP(7)-2017/4251A-4274A dated 03.04.2017 in its true spirit and the District Attorney shall conduct Session Court as far as possible.
2. To act as supervisory authority and ensure the compliance of all above directions.
3. To appear in/conduct the trial of the cases identified as "Chinhit Apradh" by the District Level Committee pending in the Ld. Court of the District and Session Judge for trial as far as possible/practicable.
4. To provide the list of cases identified as "Chinhit Apradh" by the District Level Committee to concerned Public Prosecutor /Assistant Public Prosecutor-in-charge of the case.
5. To consider the reasons behind the acquittal of accused persons in the cases registered under SC/ST (POA) Act, Crime against Women and Children, PC Act, Drugs Act and all heinous crimes and take up the same seriously. Further, to take all necessary steps to improve the quality of the Challan i.e. Police Report prepared under section 173 of Cr.P.C. to put strong case before the Ld. Trial Court.
6. To discuss the reasons behind the acquittal of accused persons in the cases registered under SC/ST (POA) Act, Crime against Women and Children, POC SO Act, P.C. Act, Drugs Act and all heinous crimes in the District Level Monitoring Committee so that the District Level Monitoring Committee may take necessary action in this regard.
7. To monitor/supervise the hearing as far as practicable.
8. To conduct a meeting alongwith Public Prosecutors/Assistant Public Prosecutors atleast once in a month on regular basis to discuss the progress of the cases, problems facing by the Public Prosecutors/Assistant Public Prosecutor incharge of the case during trial; and to prepare minutes of meeting of the same and further make necessary correspondence with concerned authorities, if required through proper channel alongwith valuable suggestions/proposal which may be implemented to remove such difficulties and strengthening the criminal justice system and prosecution under the intimation to this office.
9. To send the Minutes of Meeting of the District Level Monitoring Committee constituted in compliance of the direction issued by the Hon'ble Supreme Court of India in "State of Gujarat versus Kishanbhai etc."; (2014) 5 SCC 108 regularly and **within 5 working days** after the preparation of the same along with suggestions which may be implemented to strengthen the criminal justice system and prosecution.

Enclosed: As Above

Sd/- (Madan Lal)  
District Attorney  
for Director of Prosecution, Haryana

e/c

**THROUGH EMAIL**

From

The Director of Prosecution, Haryana,  
Bays No. 9 & 10, Sector-14, Panchkula.

To

1. The Director General of Police, Haryana, Panchkula.
2. All District Magistrates. posted in the State of Haryana.
3. All Superintendent of Police. posted in the State of Haryana.

Memo No. AP (7)-2019/ 11685-11729

Dated: 28/06/19

**Subject:- Standard Operative Procedures (SOPs)**

\*\*\*

Reference on subject cited above.

This department has prepared Standard Operative Procedure (SOP) on Mines and Mineral Act, regarding investigation and HDR cases. Copies of the same are being sent to your good office with request to consider it and issue necessary instructions/directions in your sub-ordinate official/officers so that the quality of investigation may be improved and a strong case may be put before the Ld. Criminal Trial Courts for securing the conviction of accused persons.

**Enclosed:** As above.

**Note:** Copy of these Standard Operative Procedures (SOPs) are also available at the Departmental website i.e. [prosecutionhry.gov.in](http://prosecutionhry.gov.in).

o/c

*[Signature]*  
District Attorney

for Director of Prosecution, Haryana,

Endst. No. AP(7)-2019/ 11730

Dated: 28/06/19

A copy is forwarded to the Additional Chief Secretary to Government of Haryana, Administration of Justice Department, Haryana, Civil Secretariat, Haryana, Chandigarh for information and necessary action, please in continuation this office letter No. AP(7)-2019/9850 dated 03.06.2019 on the subject "Minutes of the meetings held on 03.05.2019 regarding convection of criminal cases in Sessions Courts, Lower Courts and in Heinous Crime preparation of Action Plan thereof".

*[Signature]*  
District Attorney

for Director of Prosecution, Haryana.

1 Earnest  
From

7

The Director of Prosecution, Haryana  
Bays No. 9&10, Sector-14, Panchkula

To  
All District Attorneys  
Posted at District Level

Memo No. 9415  
Dated: 28/5/19

Sub: Compliance of directions passed by the Hon'ble Punjab & Haryana, High Court in CRM-M-52573 of 2018(O&M) titled Sh. Vishal Bansal Vs. State of Haryana.

R/Sir,

On perusal of the directions issued by the Hon'ble Punjab & Haryana High Court, Chandigarh, following directions are required to be issued for the effective implementation of the Mines & Minerals (Development & Regulation) Act, 1957. It was also decided that all the IO's investigating the cases registered under the Mines & Minerals (Development & Regulation) Act, 1957 should also be aquatinted with the mandatory provisions of the Act. Apart from above. On perusal of the report submitted be District Attorney, Yamuna Nagar it was found that the investigation was carried out by the Investigating Officers in routine and no procedure has been found to the followed as prescribed under the Act. Police Challans i.e. police report submitted under Section 173 Cr.P.C. have also been found to the checked casually.

On receipt of order (oral) dated 11.04.2019 passed by Hon'ble Mr. Justice Sh. Mahavir Singh Sindhu in CRM-M-52573 of 2018(O&M) titled "*Sh. Vishal Bansal Vs. State of Haryana*", the various judgments delivered by the learned trial

18  
courts in the cases registered with different police stations  
Nagar under Section 379,188 IPC and Section 4(1) of Mine:

1957 were perused and on perusal of the same, the followings lacunas/defects have  
been observed in the investigation:-

1. No complaint has been found to be filed by the Competent Officer as per requirement of provision of Section 22 of the Act which provides that "No court shall take cognizance of any offence punishable under this Act or any rules made there under except upon complaint in writing made by a person authorized in this behalf by the Central Government or the State Government". Further, perusal of judgments passed by the learned trial courts in District Yamuna Nagar reveals that mining officer was not joined by the Investigating Agency during the course of investigation.
2. The Investigating Officer has not collected the evidence to prove the identity of the accused as in most of the cases, driver of the vehicle had not been traced out by the Investigating Officer.
3. The photography or videography of the place had not been conducted by the Investigating Officer.
4. No efforts were made by the Investigating Officer to join the independent witnesses.
5. In majority of the cases, the complaints have not been filed by the authorized person of the State or Central Government, only the FIR has been found to be lodged that too without following the proper procedure enshrined under the Mines & Minerals Act (Development & Regulation) Act 1957 so the Ld. Trial Court acquitted the accused for want of proper prosecution.

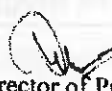
f

6. The Investigating Officers have not collected revenue record of the land from where mining was carried out.

The following steps are required to be taken to improve the quality of investigation:-

1. That the complaint shall be filed by the Competent Officer as per requirement of provision of Section 22 of the Act.
2. That the mining officer shall be joined by the Investigating Agency during the course of investigation.
3. That the Investigating Officer shall trace out the driver of the vehicle to establish the identity of the accused.
4. During the course of investigation the Khasra No., Khatauni No. from where the mining was carried out should be mentioned. So as to establish the fact of committing offence.
5. There is need to issue the specific guidelines to the Investigating Agency for making the strict compliance of the provisions of this Act.
6. That the Investigating Officer shall collect necessary documents of the concerned vehicle i.e. registration certificate to prove the ownership of the vehicle involved in committing the crime and recovered during the course of the investigation.
7. That the photography or the videography should be got conducted at the relevant point of time by the Investigation Agency.
8. That while getting the superdari order of the vehicle involved in the crime, no objection certificate should not be issued in routine matter. The authentic evidence establishing the involvement of the owner of the vehicle should be verified. It should also be verified that as to whether the vehicle involved in crime was earlier involved in the alike crime or not.

9. Owner of the revenue estate from where the mining was carried out should be cited as witness as well as accused if his involvement is *prima-facie* proved.
10. Independent witness should also be joined at the time of recovery of mined material by the Investigating Agency.
11. Periodical meeting with the mining staff with the Investigating Agency should be organized by the Investigating Agency for the effective implementation of the Act.
12. The Prosecution Agency should also bring in the notice of the Investigation Agency about the mandatory provisions of the Act while checking the challan.
13. Supervisory Officer/Concerned Police Station should also supervise the Investigation by issuing the specific direction to improve the quality of the Investigation.
14. Previous record of the accused involved in mining should also be obtained during the course of the Investigation so that the same may be produced before the trial courts to prove the act & conduct of accused.
15. The Investigation Officer should make sincere efforts to weight the mining material alongwith veichle and without veichle with proof of authorized Dharam Kanta.
16. The Investigation Officer should take the mining officer report that mining material recovered by Investigation Officer is same material which was actually extracted from the field/river/nallah etc.

  
for Director of Prosecution, Haryana  
8/11/19



**Standard Operative Procedure Regarding Investigation.**

- (i) Serious / heinous offences should be classified and investigation should be entrusted to selected, trained, experienced and professionally competent investigators. They should not be burdened with other duties viz, VIP Security, maintenance of law and orders etc.
- (ii) Investigators should be fully equipped with that modern scientific tool of investigation.
- (iii) Scrutiny of investigation at different stages, during course of investigation by supervisory officer should be made mandatory. Assistance of legal expert posted in the office of Superintendent of Police may also be obtained. Scrutiny cell, which may consist of DSP, Investigating officers and law officers at each District may be established
- (iv) Interpolations and alterations while recording FIR, statement of witnesses u/s 161 Cr.P.C. should be avoided. The real facts as explained by the complainant and witnesses should be recorded and should be inserted in case diary maintained u/s 172 Cr.P.C.
- (v) Delay in recording FIR should be explained.
- (vi) Prompt inspection of scene of crime and physical evidence available on scene of crime must be protected preserved and collected without wasting time.
- (vii) In heinous crime, FSL team comprising Forensic Expert, in accordance with the nature of crime should be called at place of occurrence and physical evidence should be lifted, packed strictly in accordance with the procedure laid down under the law and as directed by the forensic expert.
- (viii) Disclosure statement should be recorded strictly in accordance with the provisions enshrined u/s 27 of Indian Evidence Act, not in the form of confessional statement.
- (ix) Monogram of seal for the purpose of sealing the articles should be legible and seal after use should preferably be handed over to the public witnesses if available on the scene of crime, not to the police official.



12

- (x) Complainant / public witnesses must be made aware about the procedure, legal compulsion of the police investigation so that they may repose faith in the police working and depose accordingly.
- (xi) Irregularities in the preparation of search, seizure list should not be made.
- (xii) Right and relevant sections of IPC and local & Special Act may be applied. I.O. may consult the seniors and legal expert before application of section.
- (xiii) Documentary evidence showing the ownership of articles recovered during the course of investigation should be collected and relevant person should be cited as prosecution witnesses.
- (xiv) Direction of law as prescribed under the law should be followed.
- (xv) The name of all relevant persons mentioned in FIR as witness or who have been joined in the investigation must be mentioned in list of PWs to avoid the filling of application u/s 311 Cr.P.C.
- (xvi) Every efforts should be made to recover the weapon of offence used in commission of crime and the origin in case of illegal weapon must be traced. Sketches of weapon, recovery memo should be signed by all relevant witnesses. If the weapon is licensed one, used in commission of crime. it's licence should also be made a part of investigation. Ahlmad of issuing authority must be cited as witness.
- (xvii) Usually stock witnesses cited by the investigating agency turned hostile. Only reliable witnesses should be cited as prosecution witnesses.
- (xviii) In heinous crime, frequent meeting by the supervisory officer with the investigating officers should be conducted. Specific directions to the IOs should be issued by the supervisory officers and entry in this regard must be made in C.D.
- (xix) Training programme to update the knowledge of I.O. about new enactment and amendment with latest judgments should be organised regularly.
- (xx) Scientific and forensic techniques should be adopted during the course of investigation.
- (xxi) Identification test parade of accused should be conducted strictly in accordance with the procedure laid down under rule 26.32 of Punjab Police Rules, 1934.

P

- (xxii) Process of lifting of finger prints, foot prints etc including physical evidence from the place of occurrence should be carried out with great care and attention.
- (xxiii) In case of Drowning Daitom Test should be conducted.
- (xxiv) Psychological tool of Investigation viz Polygraphy, Brain Mapping etc should also be conducted as per need.
- (xxv) Pairvi officers should be expert and well acquainted with their function and duties. Evidence regarding previous conviction of accused should be placed.
- (xxvi) To establish coordination between different segments periodical meetings should be organised.
- (xxvii) Specific opinion about the injuries caused by specific weapon should be obtained from the Dr. by showing the weapon and wearing clothes having corresponding cut.
- (xxviii) Copy of Post Mortem Report, FSL Report, Ballistics Report, Handwriting Expert should be collected and placed.
- (xxix) Phone No. of all the witnesses should be mentioned in the list of witnesses.
- (xxx) Complete address of witnesses and accused should be mentioned.
- (xxxi) Adhar Card of accused and public witnesses be attached with the report u/s 173 Cr.P.C.
- (xxxii) Malkhana Mohrar of the police station be cited as a witness alongwith case property.
- (xxxiii) Copy of register no. 19 of Malkhana Mohrar be attached with the police report.
- (xxxiv) Statement of all the witnesses be attached with the police report by mentioning the same in the list of documents attached with the police report.
- (xxxv) Identification slip and conviction slip must be completed w.r.t. previous record of the accused.
- (xxxvi) **In the injury cases, case property i.e. weapons of offence must be taken in a sealed parcel while taking in police possession.**
- (xxxvii) Rough sketch i.e. khaka of the weapons must be prepared. In view of decision of judgment passed by the Hon'ble Punjab & Haryana, High Court photographs of weapon recovered should be taken and should be attached with sketch of weapon

~~11~~

- (xxxviii) Demarcation memo of place of occurrence, site plan of place of occurrence and site plan of place of recovery must be prepared. Demarcation memo and recovery memo must bear signature of the concerned accused.
- (xxxix) Blood stained cloth and blood stained earth must be taken in police possession from the place of occurrence, if available and the same should be sent to FSL.
- (xl) Photographs of place of incidents must be taken during investigation in the injury and accident cases.
- (xli) In the site plan of place of occurrence point of source of light must be shown, if the same was prepared in the night.
- (xlii) Police zimnies must be completed w.r.t. date and time and statement of witnesses must be shown in the police zimnies and case diary should be in bound volume as per the provision of 172 Cr.P.C.
- (xlili) Tehrir must bear the time, place and date from where it was send for lodging the FIR and there should be endorsement of the FIR, which should be signed by concerned official.
- (xliv) Police file and Judicial file must be paginated identically with index.
- (xlv) Sincere efforts must be done to join public witness in the investigation and there should be reference in this regard in the police zimni.
- (xlvi) In the cases where electronic evidence is collected certificate u/s 65-B of Indian Evidence Act must be obtained.
- (xlvii) Call details alongwith Customer Identification Application Form (CIAF), call location, 65-B Certificate must be taken from concerned Nodal Officer and application should be moved to Nodal Officer during investigation so as to preserve the relevant record and not to destroy it as the same is needed at the time of evidence. Investigating officer must appended full name below their signature and I.O. should also ask to other expert witnesses to append their full name below their signature such as doctors etc.
- (xlviii) In the pictorial diagram injuries of the MLR should be shown by the doctor and I.O. should ask the doctor for showing these injuries on the pictorial diagram.
- (xlix) In the 279, 304A IPC cases if the FIR is against the unknown person and unknown vehicle then statement of the person who produced the accused must be recorded by the I.O. in order to prove the link. If the

Q

that alleged land fall in the Municipal Area. This is an important piece of evidence, which is lacking in 90% cases of HDR Act.


- (lix) Original document should be taken in police possession by the I.O. specially in cheating & forgery cases, which is usually not taken by the I.O.
- (lx) Signature of accused must be got compared through hand writing expert of F.S.L. in u/s 420, 407, 468 of IPC cases, which is usually not got compared by the I.O.
- (lxi) Qua source of NDPS Drugs/contraband, no investigations is usually done by Police Officers.
- (lxii) Undue delay in sending samples to FSL must be explained, every endeavour must be made by the I.O./MM to send the samples in the FSL within 72 hours.
- (lxiii) Notice & reply by 50 NDPS must be on separate papers and if there are more than one accused then, notice u/s 50 NDPS Act must be served to each accused separately.
- (lxiv) Report u/s 55 of NDPS Act be endorsed by the SHO.
- (lxv) Report u/s 57 of NDPS be seen by DSP.
- (lxvi) Qua inventory report concerned Magistrate/Reader to such Magistrate must be cited as witness, so as to prove the inventory certificate.
- (lxvii) Practice of deliberately not taking of doctor's opinion qua injury, in grievous injury cases and produce them in the Court in bailable offence, thereafter adding grave offence and do not re-arrest the accused persons, suspects the credibility of police working.
- (lxviii) I.O must join all the persons in investigation to whom actual loss is caused in the cases u/s 406, 420 of IPC.
- (lxix) DNA tests in murder / rape cases and blood group examination should be conducted.
- (lxx) I.O. must join in investigation two independent witnesses out of which one must be the lady, from the locality, which is mandatory in Immoral Trafficking Act cases.
- (lxxi) I.O. must take prosecution sanction order in Arms Act, HDR Act, P.C. Act 2005 cases and must cite concerned witness for proving the sanction order.

Q

offending vehicle number is disclosed in the FIR then I.O. firstly should move an application to motor vehicle registering authority to disclosed the name of the owner of the offending vehicle and join him in the investigation.


- (I) Superdar of offending vehicle and victim's vehicle must be cited in the list of witnesses along with vehicles by mentioning the registration of the concerned vehicle.
- (li) Doctors and Registry Clerk etc. must be cited as witness in the list of witnesses by specifically mentioning the record, which they have to produce at the time of evidence, mere mentioning the name of the witnesses is not sufficient.
- (lii) Copy of the docket must be attached with the judicial file, so that it could be clearly ascertained what articles have been sent to the FSL, in case anything necessary, is not sent to the FSL, then, same could be advised to the I.O.
- (liii) If matters / articles send to the FSL in a particular case sent to be different division of the FSL, then Asstt. Directors of the concerned divisions should be separately cited as witnesses, in order to avoid further moving of application u/s 311 Cr.P.C. at the time of trial.
- (liv) In the cases u/s 68 of the Excise Act, liquor bottle, glasses etc. must be taken in police possession.
- (lv) ~~Specific test must be conducted by the doctors, so as to detect & estimate consumption of alcohol mere getting the statement regarding denial of blood and urine sample by the concerned accused is not sufficient, because in view of Apex Court judgment Selvi versus State of Karnataka, 2010 Supreme Court, samples could be obtained even by using moderate force upon the accused.~~
- (lvi) In the cases u/s 61 of Excise Act sample must be drawn from each bottle so as to make it representative sample, mere taking of one bottle as a sample from the recovered bottles of liquor is not sufficient.
- (lvii) Chemical examiner must be cited as a witness along with its report in cases u/s 61 of Excise Act.
- (lviii) In the Haryana Urban Regulation Authority Act (HUR) cases report of Halqa Patwari qua demarcation with respect to alleged Khasra no. etc. must be taken by the investigating officer so that it could be ascertain

- (lxxii) Birth Certificate must be verified during investigation from the concerned authority, when the same is produced by the accused for declaring him juvenile.
- (lxxiii) Extra judicial confession should be corroborated by another independent witness.
- (lxxiv) In the dowry cruelty cases, proof of alleged dowry articles i.e. bill etc. must be taken in police possession by the investigating officer as far as possible.
- (lxxv) In many cases it has been observed that accused being superdar is cited as prosecution witness and such practice of citing accused himself as a prosecution witness must be stopped because as per section 315 Cr.P.C. accused cannot depose as a prosecution witness.
- (lxxvi) Statement recorded u/s 161 Cr.P.C must be inserted in case diary maintained u/s 172 Cr.P.C
- (lxxvii) Police report prepared u/s 173 Cr.P.C must be filed in the Court within the prescribed period as prescribed u/s 167 Cr.P.C. otherwise the accused if under custody shall be selected from custody on bail.
- (lxxviii) Police report u/s 173 Cr.P.C may be filed without production of accused.

  
(Shashi Kant Sharma)  
Additional Director  
Prosecution, Haryana  
Panchkula

S.O.P. for HDR Cases

1. Urban Area plan of site must be proved.
2. Photograph of site should be taken
3. Sanction order by D.M must be placed.
4. Notification to prove the fact whether the land falls within Municipal Limits or not should be attached with report prepared U/s 173 Cr.P.C.
5. Whether the land is dispute as of the controlled Area, or not, proof of the same must be attached.
6. The document/proof showing agricultural land has been sold for residential purpose, must be attached with report prepared U/s 173 Cr.P.C.
7. Demarcation Report shall be prepared to prove the fact that it is land in dispute which has actual been cut into plots and sold by the accused.
8. Whether Colony in dispute is unauthorized Colony?
9. Whether the Colony is included is the list of Collector or not collector rates list for check.
10. Recording of Khasra Number in the complaint.
11. Preparation of report of the site.
12. Urban Area notification must be proved.
13. When the property had been sold for residential/commercial and industrial purposes sale deed must be attached. Photographs and statement of witnesses residing nearby must be recorded.
14. Registered sale deed should be taken into possession by making recovery memo.

  
(Shashi Kant Sharma)  
Additional Director  
Prosecution, Haryana  
Panchkula



**THROUGH E-MAIL/POST**

From

The Director of Prosecution, Haryana  
Bays No. 9 - 10, Sector-14,  
Panchkula

To

All District Attorney,  
posted at District Level  
in the State of Haryana)

Memo No. AP (7)-2019/ 9812

Dated: 03-6-19

**Sub: STANDARD OPERATION PROCEDURE (SOP) FOR  
INVESTIGATION OF CASES RELATING TO MEDICAL  
TERMINATION OF PREGNANCY (MTP) AND PRE-CONCEPTION  
AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PCPNDT)**

\*\*\*\*

Reference on the subject noted above.

A copy of standard operation procedure (SOP) for investigation of cases relating to medical termination of pregnancy (MTP) and pre-conception and pre-natal diagnostic techniques (PCPNDT) is being send to your offices for information and making strict compliance in its true spirit.

  
Additional Director  
Director of Prosecution, Haryana

Note:- The copy of above said SOP is also available on official website of Health Department, Haryana and the same is also available at departmental portal i.e. prosecutionhry.gov.in

**STANDARD OPERATION PROCEDURE (SOP) FOR INVESTIGATION OF CASES RELATING TO MEDICAL TERMINATION OF PREGNANCY (MTP) AND PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PCPNDT)**

In order to improve the quality of investigation and to curtail procedural lapses in investigation of cases relating to MTP and PCPNDT and for launching foolproof prosecution against the offenders, the following SOP is laid down after consultation with the officers of Police Department, the Health Authorities and Law Officers from the office of Advocate General Haryana.

1. All offences relating to MTP and PCPNDT, as prescribed under the Indian Penal Code 1861 (Sections 312 to 316), MTP Act 1971 (Section-5) and PCPNDT Act 1994 (Sections 22 to 27) are cognizable offences. Therefore, police is duty bound to register First Information Report (FIR) on receipt of credible information/ complaint from general public, Health Authorities or otherwise in this regard, as per the provision of Section 154 Criminal Procedure Code 1973.
2. As and when police take cognizance of offences, as mentioned in Para 1 above, it is desirable that the police should associate the Appropriate Authority appointed under Section 17 of the PCPNDT Act 1994 or some other officer/officers of Health Department in consultation with the Appropriate Authority in the process of conducting raid, search and seizure etc. during investigation. The investigation officer should record scientific opinion/ technical opinion/ statement of Appropriate Authority during the investigation.
3. Whenever the Appropriate Authority of officers of the Health Department intend to conduct raid, search and seizure under the provision of the PCPNDT Act 1994, it is desirable that they should also associate the local police in process in order to ensure that the proper procedure of collecting evidence is followed. It is also desirable to associate the local police in process of enquiry/ investigation by Appropriate Authority/ Health Authority for security reasons.
4. The police and the Appropriate Authority/ Health Authorities are under legal and administrative obligation to help each other in the process as given in Paras 2 and 3 above, as and when required, and all the times, without any delay.
5. For offences under the IPC (Sections 312 to 316) and offences under the MTP Act 1971 (Section 5) the police is legally bound to submit Police Report to the Illaqa Magistrate under section 173 Cr.PC.
6. For offences under the PNDT Act 1994 (Sections 22 to 27) as per Section 28 of the Act, the Magistrate can take the cognizance only on the complaint of the Appropriate Authority or on complaint by a person/ social organization who has given a notice of not less than 15 days, to the Appropriate Authority, of the alleged offence and his intention to make a complaint to the Court. Therefore, filing of challan by the police under Section 173 Cr.PC for offences under the PNDT Act is barred. In such cases, after registration of the FIR, the police shall complete investigation by associating the Appropriate Authority in the process. On completion of the investigation, the police

shall submit the whole record of the investigation, along-with a draft complaint (properly Known as Kalandra in police parlance), to the Appropriate Authority for signature and submitting the same to the Court for trial. The Appropriate Authority shall sign the complaint (Kalandra) after the due scrutiny of the record of investigation produced by the investigating officers, as they had already participated in the investigating process. After filing the complaint signed by the Appropriate Authority to the Court, the police should send an information under section 173 Cr.PC to the Illaqa Magistrate to the effect that, since a complaint as per Section 28 PCPNDT Act 1994 has been filed to the Court, no challan is filed by the police in the instant case.

7. If the allegations relating to the offences under the IPC (Sections 312 to 316) MTP Act 1971 (Section 5) PCPNDT Act 1994 (Sections 22 to 27) are contained in one FIR, the police shall file challan under Section 173 Cr.PC for the offences under the IPC (Sections 312 to 316) MTP Act 1971 (Section 5) only. For offences under the PCPNDT Act 1994 (Sections 22 to 27), the police shall produce the record of investigation to the Appropriate Authority along-with the draft of the complaint (Kalandra) for their perusal, scrutiny and signature. The complaint (Kalandra) so signed by the Appropriate Authority shall be filed in the Court y the police.
8. It is clarified that Appropriate Authority can also file complaint for offences under the PCPNDT Act of its own, after due investigation/enquiry, without getting the FIR registered. In such an event, if the Appropriate Authority has taken help from police during investigation/ enquiry, they can make mention of that in the complaint and can cite the police officers as witness in the complaint case.
9. Help in the form of legal opinion of the Law officer of the Prosecution Department should be taken as and when required. It is desirable that the law officer, whose opinion is being sought should not be same officer who is also part of the Appropriate Authority.
10. It is emphasized that the investigating officer of the Police Department, Appropriate Authority, Health Authorities and Law officer of the Prosecution Department should act in close coordination to ensure quality investigation and effective prosecution of the offenders under the above mentioned laws.
11. It shall be the duty of the District heads of the police department, Health Department and the Prosecution Department to ensure that the SOP is implemented in letter and spirit.
12. This SOP is issued in consultation with the consent of the officers of the Police Department, Health Department and Law officers of the office of the Advocate General, Haryana.

Sd/-  
Director General of Police,  
Haryana

**MOST IMMEDIATE  
FOR STRICT COMPLIANCE**

**THROUGH E-MAIL**

**From**

The Director of Prosecution, Haryana  
Bays No. 9-10, Sector-14,  
Panchkula

**To**

All District Attorneys,  
posted at District Level  
in the State of Haryana.

Memo No. AP(7)-2019/11732-11753

Dated: 28/06/19

**Subject**

To ensure the presence of accused persons lodged in different jails  
before the 1st Trial Court on the day of hearing.

\*\*\*

Reference on subject cited above:

Whereas it is hereby informed that the State Court has framed a policy of  
ensuring the presence of accused persons in the criminal court through video conferencing  
vide order No. 46/2018-42(X) dated 06.12.2018 and also issued advisory vide memo  
No. 33/01/2019-41(X) dated 23.04.2019. (copies enclosed)

All of you are directed to make strict compliance of this policy advisory in  
its true spirit.

Note: Copy of this policy advisory is also available at the Departmental website i.e.  
[www.haryanaproc.gov.in](http://www.haryanaproc.gov.in).

Encl: No. AP(7)-2019/11753

District Attorney  
for Director of Prosecution, Haryana, Panchkula  
Dated: 28/06/19

A copy is forwarded to the Additional Chief Secretary in Government of Haryana,  
Public Department for information please in reference to your good office order issued under  
Encl. No. 46-24/2018-42(X) dated 06.12.2018 and memo No. 33/01/2019-41(X) dated  
23.04.2019.

District Attorney  
for Director of Prosecution, Haryana, Panchkula

**HARYANA GOVERNMENT  
JAILS DEPARTMENT  
ORDER**

No. 46/24/2018-AJ(III)

Dated Chandigarh the, 06 December, 2018

f u  
DP  
1/12/18

in compliance of the orders dated 23.10.2018 of the Hon'ble Punjab & Haryana High Court, Chandigarh passed in CR/M-11-17093 of 2018 case titled as "Nashad @ Hira Vs. State of Haryana" the Government has framed a policy for securing the presence of accused persons in the criminal courts through video conferencing as under:-

**1. POLICY GUIDELINES FOR ACCUSED PERSONS LANGUISHING IN THE JAILS OF HARYANA WHO ARE TO BE PRODUCED BEFORE THE CRIMINAL COURTS SITUATED IN HARYANA.**

\* The facility of Video Conferencing is available in all the jails and the trial Courts situated in the State of Haryana and the accused persons, who are in custody in the jails situated in the State of Haryana are appearing either in person or through video Conferencing before the Trial Courts from time to time. Further, all the jails and Courts in the State of Haryana are connected with Video Conferencing facilities. However, the system needs to be regulated for its smooth functioning for which the guidelines following and suggestions are issued:-

A. The Superintendent of Jail shall also act as the District Coordination Officer for each district for monitoring and co-ordinating the process of production of accused persons through video conferencing or on production warrant in person before the Trial Court and shall act as coordinator between the jail authorities and criminal courts. He shall ensure that every accused person should be produced before the Trial Court on time through video conferencing or on production warrants in person as the case may be.

B. As and when any jail authority receives production warrant/summons of any accused person for producing him in Court for trial or otherwise, the concerned jail authority, if unable to produce such

from pre page

2

accused in person before the Court on the date fixed for any reason, shall immediately intimate the concerned Court telephonically or through e-mail that the accused person shall be produced through video conferencing before the concerned Courts and also intimate to the District Nodal Officer, who shall make such arrangements for production of accused person through video conferencing before the concerned Court.

iii. The Director General of Prisons, Haryana shall depute an officer not below the rank of I.G. to be the State Nodal Officer for co-ordinating and monitoring the process of production of accused persons in the Court through video conferencing or on producing warrants in person, who are lodged in different jails of the State of Haryana and shall ensure that every accused person should be produced before the District Court on time through video conferencing or on producing warrants in person as the case may be.

iv. The State Nodal Officer should devise a suitable program and shall obtain monthly information from the District Nodal Officers regarding production of accused persons in Courts, and submit the same alongwith his comments to the Director General of Prisons, Haryana.

v. The Director General of Prisons, Haryana, shall hold regular meetings at least once in a quarter, of all the District Nodal Officers and review their working for ensuring timely production of accused persons in the Court for trial or other proceedings and shall immediately take remedial measures whenever any deficiency comes to his notice.

vi. If any Jail Authority receives production warrant/corrections of any accused person for producing him in Court for trial or otherwise, but the said accused has been transferred to any other Jail for any reason, such Jail authority shall immediately intimate the Court, the details of that Jail in which such accused person has been transferred, so that the Court shall issue warrant/summon for production of accused person to the other Jail authority where accused is kept in custody.

vii. The internet connectivity speed should be sufficiently high for all video conferencing systems established in Jails as well as Courts, so that

from pre page:-

proceedings of Court cases may be held without any technical hindrance.  
viii. There should be facility of power back-up for holding video conferencing in the jails as well as Court premises so that Court proceedings may be conducted without any interruption due to power failure.

ix. Video conferencing studios may be established in each of the Court rooms.

x. Sufficient number of Video conferencing systems should be established in jails. Provision for multi-video conferencing should be made in every jail and Court, so that two or more cases may be conducted through video conferencing at the same time.

**2. POLICY GUIDELINES FOR ACCUSED PERSONS LANGUISHING IN THE JAILS OF OTHER STATES, WHO ARE TO BE PRODUCED BEFORE THE CRIMINAL COURTS SITUATED IN HARYANA**

As far as the matter relates to the accused persons who are in the jails of the other States i.e. Punjab, Delhi, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh etc. and are required to be produced before the Trial Court in the State of Haryana, sometimes jail authorities of other States fail to produce the accused persons before the Trial Courts either in person or through video conferencing, which causes delay in conclusion of the Trial as no video conferencing system has been established for production of such accused through video conferencing in the jails of many States. For such cases, the Govt. of India is the appropriate authority for taking necessary steps for establishment of video conferencing systems for production of such accused through video conferencing in the Trial Courts where accused persons are languishing in jails of one State while the trial is pending against them in another State, being an inter-state matter.

1. order accordingly. A copy of this framed policy be endorsed to all the concerned.

Dated Chandigarh  
The 30.11.2018

Dr. S. Prasad  
Addl. Chief Secretary to Govt. of Haryana,  
Jails Department

IPM Storage

Endst.No.40/24/2018-41/II

Dated Chandigarh the 06.12.2018

A copy of the above is forwarded to the following for information & necessary action.

1. The Advocate General, Haryana, Chandigarh.
2. The D.C. Prisons, Haryana, Panchkula w.r.t. his letter No. 43483/81-DG.Jails/2018/Legal Cell dated 01.04.2018.
3. The Director Prosecution of Haryana, Panchkula w.r.t. his letter No. AP/71/2018/22210 dated 05.11.2018 with the advice to file response in the subject cited matter before the Hon'ble Punjab & Haryana High Court, Chandigarh on or before the date date fixed for hearing on 13.12.2018.

Superintendent Jails & Judicial - II  
 Addl. Chief Secretary to Govt. of Haryana,  
 Jails Department

CC

28/ W/ACS(M)  
 29/ W/554-II



From

The Additional Chief Secretary to Government,  
Haryana, Jails Department, Chandigarh.

To

1. The Legal Remembrancer and Administrative Secretary to Government of Haryana, Law and Legislative Department, Haryana Civil Secretariat, Sector-1, Chandigarh.
2. The Director General of Police, Haryana, Sector-6, Panchkula.
3. The Director General of Prisons, Haryana, Sector-14, Panchkula.
4. The Director General of Police, Crime, Haryana.
5. The Director General of Prosecution, Haryana, Sector-14, Panchkula.
6. All Commissioners of Police in Haryana.
7. All Superintendents of Police/DCPs in Haryana.
8. All District Attorneys in Haryana.
9. All Superintendents Jail in Haryana.

Memo No.33/01/2019-4/J-01

dated: 27.04.2019

Subject

Production of under trials lodged in different jails before Ld. Trial Courts, particularly those lodged in different jails or are not being produced-Regarding-Advisory.

Reference on the subject cited above.

2. It has been observed that the statutory provisions regarding production of under-trials lodged in different jails of the State before the concerned Ld. Trial Courts are not being followed properly. Chapter 18 of the Punjab Police Rules, 1934 lays down detailed guidelines for escort of prisoners. Similarly, the Prisoners (Attendance in Courts) Act, 1953 and Punjab Prisoners (Attendance in Courts) Rules, 1952 provided detailed guidelines for attendance of under-trial prisoners in Courts.

3. In compliance of the Hon'ble Supreme Court orders dated 17.02.2017 passed in Prin Beemon (Case No. 496/2013 filed as Inhuman Conditions in 1387 Prisons), the Haryana State Legal Services Authority has constituted an Undertrial Review Committee at district level to consider the cases of the undertrial prisoners U/s 436-A of Cr.P.C. Meeting of the Committee and being held on monthly basis to chalk out the methods to dispose of cases U/s 436-A of Cr.P.C. expeditiously under the chairmanship of Ld. District & Sessions Judge of the concerned district for the timely disposal of the cases of the undertrial prisoners who are lodged in different jails or are not being produced in courts. In this regard, the following guidelines be adhered to:-

1. Each Police District and Police Commissioners shall establish a Special Cell at Headquarters for monitoring the production of under-trials in Ld. Trial Courts. A Nodal Officer of the rank of Additional Superintendent of Police/ Additional Deputy Commissioner of Police/ Deputy Superintendent of Police/ Assistant Commissioner of Police shall be deputed by the concerned SP/CPs, under intimation to the Director General of Police/Additional Director General of

Police/Crime who shall monitor compliance of these instructions by the SPs /CPs. The name and full contact details (E-mail Id, Mobile etc.) of the Nodal Officer shall also be informed to the Superintendent's Jail and District Attorneys. The Nodal Officer shall be responsible for ensuring service of process to witnesses, and securing the presence of all accused persons in the Ld. Trial Courts for production of wherever there is a specific order by the Ld. Trial Courts for production of witnesses, the Nodal Officer shall ensure compliance of the same.

(Action by all CPs/DCPs/SPs, Monitoring by DGP/ADGP/Crime, Haryana)

It shall be the endeavor of the Prison Authorities that all the accused facing trial in a criminal case may, as far as practicable, be kept in one cell till the conclusion of the prosecution evidence. However, in cases where an under-trial is also facing trial in multiple cases/ in different Sessions Divisions, the Nodal Officer shall ensure transportation of the under-trial to the local jail, a day prior to the date of hearing in the Ld. Trial Court. In case, the jail authorities have to take an administrative decision for shifting jail inmates on administrative grounds, this decision has to be taken at the highest level of the Head of Prison Department (Director General of Prisons), only in rare cases, and concerned Ld. Trial Court may be kept informed of the same as well.

(Action by all Nodal Officers, all Superintendents Jail and DG Prisons)

iii. In important cases requiring expeditious disposal, the investigating officers are directed to file applications before concerned Ld. Trial Courts requesting for conducting trials on day-to-day basis. The Nodal Officers shall make a list of such cases and put-up a monthly report before the concerned CPs/DCPs/SPs, so that these matters may be administratively taken-up with the concerned District & Sessions Judge by the CPs/DCPs/SPs during monthly/quarterly meeting.

(Action by all Nodal Officers/CPs/DCPs/SPs)

iv. Video conferencing facility is being utilized in Haryana for production of under-trials before various Ld. Trial Courts. This facility is available in all 19 numbers of jails in Haryana State.

Efforts have to be made by the Police and Prison authorities to fully utilize the video conferencing facility so that the requirement of physically transporting the under-trials is minimized to the extent possible. There is no legal hitch for use of VC for certain purposes and it should be strived to the maximum for remand proceedings. In trials, video conferencing can be utilized for recording the evidence of witnesses with the consent of the accused. In cases where trial through video conferencing is legally permissible, the VC facilities should be utilized and "Video Conferencing First" approach should be used wherever feasible.

(Action by all CPs/DCPs/SPs, all Superintendents Jail, DG Prisons)

v. Efforts be made by the Police and prosecution agencies to ensure that unnecessary adjournments are not sought during trial from the Ld. Trial Courts. The Police have an important role in ensuring the service of summons, the presence of witnesses and accused in the Ld. Trial Courts on trial dates so that trials do not get delayed. Similarly, Public Prosecutor shall avoid seeking adjournments on flimsy grounds and shall keep the Ld. Trial Courts apprised wherever defense counsels seek adjournments for delaying the dispensation of justice in any manner.

(Action by all CPs/DCPs/SPs, Director, Prosecution and all District Attorneys)

vi. The Public Prosecutor appearing in trials shall ensure that the case is not adjourned due to production of one of the under-trials or some other case at a different place on the same day. All the pending cases of an under-trial shall be accounted for and suitable dates be sought from Ld. Trial Courts to avoid such eventualities of clash of dates in two different Ld. Trial Courts.

(Action by all CPs/DCPs/SPs, Director, Prosecutor and all District Attorneys)

vii. Efforts be made by the Public Prosecutors and by the Investigating Officers that parts of trials of different offences arising out of the same occurrences are clubbed in one Ld. Trial Court, instead of taking place in different Ld. Trial Courts. Wherever such a situation arises, the concerned Public Prosecutor would file an application before the Ld. Trial Courts praying for transfer of trials in the public interest as well as expeditious dispensation of justice.

(Action by all CPs/DCPs/SPs, Director, Prosecution and all District Attorneys)

viii. The Public Prosecutors shall carefully scrutinize requests for exemptions of witnesses and satisfy themselves of the genuineness of the grounds of exemption being sought by the witness, before forwarding such requests to Ld. Trial Courts. The Nodal Officers shall ensure that exemptions are not sought on frivolous grounds by the concerned Police officer who has been summoned to appear as a witness. The Nodal Officers shall further ensure that the concerned witness is not deputed on law or order duty or some other assignment on the date of hearing. Appearance in Ld. Trial Courts for giving evidence is an important duty of all Police officers.

(Action by all CPs/DCPs/SPs, all Nodal Officers, Director, Prosecution and all District Attorneys)

ix. As the date of presentation of challan/investigation report under the provisions of Cr.P.C., the concerned Public Prosecutor shall inform the Nodal Officer in writing about the particulars of the accused, the prisons where they are lodged, the list of witnesses and the details of

xv. The Nodal Officers shall ensure that summons for witnesses to trials are served well in advance to ensure the presence of witness on the date fixed, so that the trials can take place expeditiously and the visit of the under trials to the Ld. Court is not wasted.

(Action by all CPs/DCPs/SPs and Nodal Officers)

xvi. The Nodal officers shall ensure that the relevant case property is made available in the Ld. Trial Court well in time, so that the trials are not adjourned for non-production of case property. They shall evolve a monitoring mechanism with the concerned Police Stations to ensure smooth production of case property before the Ld. Trial Courts. Any Police official, who is found defaulting/tempering in the matter, shall be dealt with departmentally by the concerned DCPs/SPs.

The Public Prosecutor shall inform the Nodal Officer and in-charges of concerned Malkhans well in advance to ensure the timely production of case property on the date fixed for hearing. The Nodal Officer shall make appropriate arrangements for production of case property, including providing transportation, in case the same is required for transporting the case property in the Ld. Trial Court.

(Action by all CPs/DCPs/SPs, Nodal Officers and all District Attorneys)

xvii. In cases where the case property has been released on superdari by the Ld. Trial Court, the concerned Public Prosecutor shall file an application before the Ld. Court for issuance of notice well in time to the superdar for the production of case property on the fixed date of hearing.

(Action by all District Attorneys)

xviii. The District Attorney, being the Member-Secretary of the District Level Monitoring Committee headed by the Ld. District & Sessions Judge, and having the Deputy Commissioner, Deputy Commissioner of Police/ Superintendent of Police, Superintendent Jail, and Chief Judicial Magistrate as members shall ensure that the meetings of the Committee are held regularly to review the compliance of this Advisory and for achieving the object of expeditious trial of criminal cases.

(Action by all District Attorneys)

*Sd/-*

Dr. S.S. Prasad  
Additional Chief Secretary to Govt., Haryana  
Jails Department.

*Conced*

**DIRECTOR OF PROSECUTION, BARYANA, PANCHKULA**

Ende No. AP/T/2019- 8766

Dated: 17/5/19

A copy is forwarded to all the DWCPH for further necessary action with a direction to make strict compliance of this letter as well as of the instruction issued vide letter No. 4541-4962 dated 25.03.2019 in its in spirit, failing which would invite strict disciplinary action.

For Director of Prosecution, Baryana

174

# Summoning Policy



## Haryana Government Gazette

### EXTRAORDINARY

Published by Authority

© Govt. of Haryana

No. 27-2020/Ext.] CHANDIGARH, THURSDAY, FEBRUARY 20, 2020 (PHALGUN 1, 1941 SAKA)

#### HARYANA GOVERNMENT

#### HOME DEPARTMENT

#### Notification

The 20th February, 2020

No. 12/264/2019-4HG-IV:- In compliance of the order dated 04.12.2019 passed by the Hon'ble Punjab and Haryana High Court in CRM-M-40382 of 2019 titled as 'Kaka Singh Vs State of Punjab' (CRM-M-8445 of 2016 - Kunal Joshi Vs State of Haryana) and other connected matters, the Government of Haryana has framed this policy for ensuring the service of summons and timely presence of witnesses and accused before the trial courts with a view to ensure expeditious trial and to avoid delay as under: -

1. **District Nodal Agency:**

The District Nodal Agency is hereby constituted at every district for monitoring the working of Summoning Agency so that service of summons/warrants upon witnesses in criminal cases, may be executed properly and timely. The constitution of District Nodal Agency shall be as follows: -

(i)	Superintendent of Police/Commissioner of Police	Chairman
(ii)	District Attorney/Deputy District Attorney (Senior Most)	Member
(iii)	Deputy Superintendent of Police (HQ)/ACP(HQ) (Supervisory Officer of Summoning Agency)	Member Secretary

2. **Role of District Nodal Agency:**

- (a) The District Nodal Agency shall monitor the working of Summoning Agency and shall ensure that Summoning Agency should carry out its duties properly and effectively.
- (b) There shall be one Summoning Agency at District Level for the effective service of execution of summons/warrants of witnesses issued by District Courts in criminal cases, which shall be constituted

by District Superintendent of Police/Commissioner of Police. The same shall be responsible for proper and timely service/execution of summons/warrants of witnesses issued by the District Courts. It shall be headed by a police officer not below the rank of Sub-Inspector, who shall act under the supervision of Deputy Superintendent of Police (HQ)/ Assistant Commissioner of Police (HQ).

- (c) Dedicated police officers/officials shall be appointed in the Summoning Agency such as Constables/Head-Constables/Computer Operators/Peons etc., by District Superintendent of Police/Commissioner of Police. They shall not be deputed for other duties. The conduct of staff and its incharge shall be supervised by DSP (HQ)/ACP(HQ) and monitored by the District Nodal Agency.
- (d) The DSP (HQ)/ACP (HQ) shall coordinate with District Nodal Agency, In-charge of Summoning Agency, Public Prosecutors and Courts and shall ensure that police official witnesses, who are duly served, must appear before the Ld. Trial Courts for their deposition without any fail. In case, any police official does not appear before the Court despite service, he shall send his report to the concerned District Nodal Agency for recommending strict action against the said police official to the competent authority and ensure his presence on the next date of hearing.
- (e) The incharge of Summoning Agency shall ensure that all the summons/warrants issued by District Courts for ensuring the presence of witnesses in the Court are properly and timely executed and the report of execution must be sent to the Court in time. He shall be answerable to the District Nodal Agency as well as to DSP (HQ)/ACP (HQ) being Supervisory Officer.
- (f) In case of non-service/execution of Summons/ Bailable Warrants (BWs)/ Non-Bailable Warrants (NBWs) due to change of address of the witness (s) or otherwise, all efforts shall be made by Summoning Agency to trace the new address and serve the summons/warrants upon witness (s) accordingly and send the compliance report to the Court.
- (g) District Nodal Agency shall intimate the particulars such as name, designation, contact number, office address etc., of Incharge of Summoning Agency to the Court as well as O/o District Attorney from time to time.
- (h) The appearance of witnesses before the learned trial court may also be ensured through video conferencing, in case of any difficulty/unavoidable circumstances, with prior intimation/approval of the concerned court.
- (i) District Nodal Agency shall hold a meeting once a month to review the working of Summoning Agency.

3. State Nodal Agency

The constitution of State Nodal Agency shall be as follows:-

(i)	Additional Director General of Police (Law & Order)	Chairman
(ii)	Additional Director (HQ)/ District Attorney (HQ) O/o Director Prosecution, Haryana	Member
(iii)	Additional Inspector General (Admin)	Member Secretary

4. Role of State Nodal Agency:-

- (a) As and when, it comes to the notice of State Nodal Agency about the non-service of summons/warrants or non-attendance of any high ranking police or civil official to tender their evidence, the State Nodal Agency shall direct head of concerned district of police department to ensure the proper attendance of the concerned witness immediately.
- (b) State Nodal Agency will review the working of District Nodal Agencies.
- (c) The State Nodal Agency shall hold a meeting once a month.

5. To ensure the proper and timely conduct of Prosecution & Investigation:

- (a) Proper and complete address(s) / contact number / email ids of the witnesses shall be mentioned by the Investigating Officer(s) in the challan i.e. Police report prepared under section 173 Cr.P.C and while scrutinising the challan (i.e. Police report prepared under section 173 Cr.P.C.) Public Prosecutor shall ensure that all the witnesses shall be cited as witness in the list of witnesses with their proper and

complete addresses and all the relevant documents/Statement of witness recorded under 164/161 Cr.P.C/FSL/MLR/PMR reports etc., and prosecution sanction, where required, shall be enclosed with the challan by the Investigating Officer as per the index of challan.

- (b) The SHO/ Supervisory Officer of concerned police Station shall ensure that all the FSL and other scientific reports shall be procured and be produced in the Court in a time bound manner, so that delay in concluding of trial on this account may be avoided.
- (c) The SHO/ Supervisory Officer/District Nodal Agency/District Superintendent of Police/ Commissioner of Police shall ensure timely compliance of all communications received from the Court/ District Attorney regarding the court cases and report back to the concerned court or the O/o District Attorney, as the case may be.
- (d) Non-appearance of the witness despite service of summons/bailable warrants shall be brought to the notice of the Ld. Trial Court by Public Prosecutor/Assistant Public Prosecutor in-charge of the case for adopting coercive/strict measures to ensure their attendance.
- (e) The District Attorney shall ensure that each and every challan i.e. Police report prepared under section 173 Cr.P.C. shall be properly scrutinized by the concerned Public Prosecutor/Assistant Public Prosecutor before forwarding it to the Court for trial. The District Attorney shall be personally responsible, if any defective/incomplete challan is forwarded to the Court for trial by the concerned Public Prosecutor/Assistant Public Prosecutor of his office.
- (f) Prosecutor concerned shall request the court to fix such number of cases for prosecution evidence so that if the summoned witnesses appear then it should be possible for the court to examine all those witnesses and cases are not adjourned without examination thereof.
- (g) As and when the Court gives last opportunity for prosecution evidence, Public Prosecutor/Assistant Public Prosecutor in-charge of the case shall immediately make necessary correspondence with the District Nodal Agency and incharge of Summoning Agency, requesting them to ensure the proper execution of summons/warrants and presence of the witnesses before the Ld. Trial Court on the date of hearing.
- (h) Public Prosecutor/Assistant Public Prosecutor in-charge shall avoid unnecessary adjournments and take all necessary steps in time to avoid delay in concluding of the trial and shall oppose unnecessary adjournment sought by defence counsel.

**6. Compliance and Responsibility :-**

Meticulous compliance of this scheme shall be of paramount importance. If any officer of police or prosecution is found negligent while discharging his duties, District Nodal Agency shall bring it to the notice of the State Nodal Agency for the needful. Any defaulting official shall be dealt with as per respective departmental rules promptly. The District and the State Nodal Agency shall submit a monthly report about such defaulting officials to the Home Secretary / Home Department alongwith the status report of the progress of the disciplinary proceedings initiated against such officials so that they are concluded expeditiously.

Director General of Police, Haryana and Director of Prosecution, Haryana shall hold meetings with all the concerned State Govt. and District Officials regularly so as to ensure the implementation of this policy in letter and in spirit. They will also apprise the Home Secretary, Haryana regularly about the same.

**7. For presence of accused persons:-**

The Haryana Government has already issued policy guidelines for securing the presence of accused persons in criminal courts through video conferencing *vide* Order No. 46/24/2018-4JJ(II) dated 06.12.2018 and has also issued advisory for production of under trials lodged in different jails before the Ld. Trial Courts, *vide* Memo No. 33/01/2019-4JJ-II dated 23.04.2019. The District Nodal Agency shall also ensure the compliance of same.

VIJAI VARDHAN,  
Additional Chief Secretary to Government Haryana,  
Home and Administration of Justice Department.



# Haryana Witness Protection Scheme, 2020



## Haryana Government Gazette

### EXTRAORDINARY

Published by Authority

© Govt. of Haryana

No. 132-2020/Ext.] CHANDIGARH, MONDAY, SEPTEMBER 14, 2020 (BHADRA 23, 1942 SAKA)

HARYANA GOVERNMENT

HOME DEPARTMENT

Notification

The 14th September, 2020

No. 4/18/2017-2HC.—

1. **Short title and commencement:-**

- (a) The Scheme shall be called the "Haryana Witness Protection Scheme, 2020".
- (b) It has come into force with effect from 05.12.2018.

**Part-I**

2. **Definitions.-Unless the context otherwise requires:-**

- (a) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (b) "Competent Authority" means a Standing Committee in each District chaired by District and Sessions Judge with the Head of the Police in the District as Member and the Head of the Prosecution in the District as its Member Secretary;
- (c) "Concealment of identity of Witness" means and includes any condition prohibiting publication or revealing, in any manner, directly or indirectly, of the name, address and other particulars which may lead to the identification of the witness during investigation, trial and post-trial stage;
- (d) "Family Member" includes parents or guardian, spouse, live-in partner, siblings, children, grand children of the witness;
- (e) "Form" means "Witness Protection Application Form" appended to this Scheme;
- (f) "In Camera Proceedings" means proceedings wherein the Competent Authority or Court allows only those persons who are necessary to be present while hearing and deciding the witness protection application or deposing in the court;
- (g) "Live Link" means and includes a live video link or other such arrangement whereby a witness, while not being physically present in the courtroom for deposing in the matter or interacting with the Competent Authority;

- (h) "Offence" means those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also offences punishable under Sections 354, 354A, 354B, 354C, 354D and 509 of the Indian Penal Code;
- (i) "Threat Analysis Report" means a detailed report prepared and submitted by the Head of the Police in the District ~~investigating~~ the case with regard to the seriousness and credibility of the threat perception to the witness or his family members. It shall contain specific details about the nature of threats to life, reputation or property of the witness or his/her family apart from analyzing the extent of threat and also making an assessment about the person's intent, motive and resources to implement the threats. It shall also categorize the threat perception apart from suggesting the specific witness protection measures which deserves to be taken in the matter;
- (j) "Witness" means any person, who posses information or document about any offence;
- (k) "Witness Protection Application" means an application moved by the witness in the prescribed form before a Competent Authority for seeking Witness Protection Order. It can be moved by the witness, his family member, his duly engaged counsel or IO/SHO/SDPO/Prison SP concerned and the same shall preferably be got forwarded through the Prosecutor concerned;
- (l) "Witness Protection Cell" means a dedicated Cell headed by the DCsP/SsP concerned at district level and ADGP, Law and Order or any other officer designated by the DGP, Haryana with the duty to implement the witness protection order;
- (m) "Witness protection Fund" means the fund created for bearing the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority under this scheme;
- (n) "Witness Protection Measures" means measures spelt out in Clause 7, Part-III, Part-IV and Part V of the Scheme; and
- (o) "Witness Protection Order" means an order passed by the Competent Authority detailing the witness protection measures to be taken.

**Part- II**

**3. Categories of witness as per threat perception:-**

**Category 'A':** Where the threat extends to life of witness or his family members, during investigation or trial or thereafter.

**Category 'B':** Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation or trial or thereafter.

**Category 'C':** Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's, reputation or property, during the investigation or trial or thereafter.

**4. Witness Protection Cell:-** Witness Protection Cell(s) shall be created in each district for smooth implementation of the Haryana Witness Protection Scheme-2020. All such cells shall be headed by DCsP/SsP concerned who shall be responsible for implementation of all witness protection orders passed by the Competent Authority(s) within their jurisdiction. Other suitable members may be co-opted by the head of the Cell. Witness Protection Cell(s) at district level shall file a monthly follow-up report for each and every witness protection application to the CsP/ADGsP/IGsP, Range concerned for examination and appropriate directions. In case of any problem in implementation of any order, the head of Commissionerate/ Range concerned shall immediately communicate with the Witness Protection Cell at PIIQ which shall be headed by the Additional Director General of Police, Law & Order or any other officer designated by the DGP, Haryana who will report to DGP, Haryana in this regard. Quarterly reports will be submitted to the DGP, Haryana by the Witness Protection Cell, PHQ.

**5. State Witness Protection Fund: -** (1) There shall be a Fund, namely, the Witness Protection Fund from which the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority and other related expenditure, shall be met.

(2) The Witness Protection Fund shall comprise the following, namely:-

- (a) Budgetary allocation made in the Annual Budget by the State Government;
- (b) Receipt of amount of costs imposed or ordered to be deposited by the courts or tribunals in the Witness Protection Fund;

- (c) Donations or contributions from Charitable Institutions or Organizations and individuals permitted by the Central or State Governments;
- (d) Funds contributed under Corporate Social Responsibility.
- (3) The said Fund shall be operated by the Department or Ministry of Home under the State Government.
- (4) **Assessment of Expenditure to be incurred in implementation of Witness Protection Orders under Haryana Witness Protection Scheme, 2020 shall be done as per (APPENDEX-II).**

**6. Filing of application before the Competent Authority:-**

The application for seeking protection order under this scheme can be filed in the prescribed form (APPENDIX-I) before the Competent Authority of the concerned District where the offence is committed, through its Member Secretary along with supporting documents, if any.

**7. Procedure for processing the application:-** (1) As and when an application is received by the Member Secretary of the Competent Authority, in the prescribed form, it shall forthwith pass an order for calling for the Threat Analysis Report from the Assistant Commissioner of Police/Deputy Superintendent of Police in-charge of the concerned Police Sub-Division.

(2) Depending upon the urgency in the matter owing to imminent threat, the Competent Authority can pass orders for interim protection of the witness or his family members during the pendency of the application.

(3) The Threat Analysis Report shall be prepared expeditiously while maintaining full confidentiality and it shall reach the Competent Authority within five working days of receipt of the order. **The report shall be prepared in the format APPENDEX-III.**

(4) The Threat Analysis Report shall categorize the threat perception and also include suggestive protection measures for providing adequate protection to the witness or his family.

(5) While processing the application for witness protection, the Competent Authority shall also interact preferably in person and if not possible through electronic means with the witness and/or his family members or employers or any other person deemed fit so as to ascertain the witness protection needs of the witness.

(6) All the hearings on Witness Protection Application shall be held in-camera by the Competent Authority while maintaining full confidentiality.

(7) An application shall be disposed of within five working days of receipt of Threat Analysis Report from the Police authorities.

(8) The Witness Protection Order passed by the Competent Authority shall be implemented by the Witness Protection Cell of the State or the Trial Court, as the case may be. Overall responsibility of implementation of all witness protection orders passed by the Competent Authority shall lie on the Head of the Police in the State. However, the Witness Protection Order passed by the Competent Authority for change of identity and/or relocation shall be implemented by the Department of Home of the State.

(9) Upon passing of a Witness Protection Order, the Witness Protection Cell shall file a monthly follow-up report before the Competent Authority.

(10) In case, the Competent Authority finds that there is a need to revise the Witness Protection Order or an application is moved in this regard, and upon completion of trial, a fresh Threat Analysis Report shall be called from the Assistant Commissioner of Police/Deputy Superintendent of Police in-charge of the concerned Police Sub Division.

**8. Types of protection measures:-** (1) The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time.

- (2) Such measures may include:
  - (a) Ensuring that witness and accused do not come face to face during investigation or trial;
  - (b) Monitoring of mail and telephone calls;
  - (c) Arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number;

- (d) Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc;
- (e) Concealment of identity of the witness by referring to him or her with the changed name or alphabet;
- (f) Emergency contact persons for the witness;
- (g) Close protection, regular patrolling around the witness's house;
- (h) Temporary change of residence to a relative's house or a nearby town;
- (i) Escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing;
- (j) Holding of in-camera trials;
- (k) Allowing a support person to remain present during recording of statement and deposition;
- (l) Usage of specially designed vulnerable witness court rooms which have special arrangements like live video links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he or she is not identifiable;
- (m) Ensuring expeditious recording of deposition during trial on day to day basis without adjournments;
- (n) Awarding time to time periodical financial aids or grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting a new vocation or profession, if desired;
- (o) Any other form of protection measures considered necessary.

9. **Monitoring and Review:**— Once the protection order is passed, the Competent Authority would monitor its implementation and can review the same in terms of follow-up reports received in the matter. However, the Competent Authority shall review the Witness Protection Order on a quarterly basis based on the monthly follow-up report submitted by the Witness Protection Cell.

**Part-III**

10. **Protection of Identity:**— (1) During the course of investigation or trial of any offence, an application for seeking identity protection can be filed in the prescribed form before the Competent Authority through its Member Secretary.

(2) Upon receipt of the application, the Member Secretary of the Competent Authority shall call for the Threat Analysis Report. The Competent Authority shall examine the witness or his family members or any other person it deem fit to ascertain whether there is necessity to pass an identity protection order.

(3) During the course of hearing of the application, the identity of the witness shall not be reveals to any other person, which is likely to lead to the witness identification. The Competent Authority can thereafter, dispose of the application as per material available on record.

(4) Once, an order for protection of identity of witness is passed by the Competent Authority, it shall be the responsibility of Witness Protection Cell to ensure that identity of such witness or his or her family members including name or parentage or occupation or address or digital footprints are fully protected.

(5) As long as identity of any witness is protected under an order of the Competent Authority, the Witness Protection Cell shall provide details of persons who can be contacted by the witness in case of emergency.

**Part-IV**

11. **Change of Identity :**— (1) In appropriate cases, where there is a request from the witness for change of identity and based on the Threat Analysis Report, a decision can be taken for conferring a new identity to the witness by the Competent Authority.

(2) Conferring new identities includes new name or profession or parentage and providing supporting documents acceptable by the Government Agencies. The new identities should not deprive the witness from existing educational or professional or property rights.

**Part-V**

**12. Relocation of witness:**— (1) In appropriate cases, where there is a request from the witness for relocation and based on the Threat Analysis Report, a decision can be taken for relocation of the witness by the Competent Authority.

(2) The Competent Authority may pass an order for witness relocation to a safe place within the State or territory of the Indian Union keeping in view the safety, welfare and well being of the witness. The expenses shall be borne by the Witness Protection Fund.

**Part-VI**

**13. Witnesses to be apprised to the Scheme:**— The State shall give wide publicity to this Scheme. The Investigation Officer and the Court shall inform witnesses about the existence of "Haryana Witness Protection Scheme" and its salient features.

**14. Confidentiality and Preservation of records:**— (1) All stakeholders including the Police, the Prosecution Department, Court Staff, Lawyers from both sides shall maintain full confidentiality and shall ensure that under no circumstance, any record, document or information in relation to the proceedings under this scheme shall be shared with any person in any manner except with the Trial Court or Appellate Court and that too, on a written order.

(2) All the record pertaining to proceedings under this scheme shall be preserved till such time the related trial or appeal thereof is pending before a Court of Law. After one year of disposal of the last Court proceedings, the hard copy of the records can be weeded out by the Competent Authority after preserving the scanned of copies of the same.

**15. Recovery of expenses:**— In case the witness has lodged a false complaint, the Home Department of the concerned Government can initiate proceedings for recovery of the expenditure incurred from the Witness Protection Fund.

**16. Review:**— In case the witness or the police authorities are aggrieved by the decisions of the Competent Authority, a review application may be filed within 15 days of passing of the orders by the Competent Authority.

VIJAI VARDHAN,  
Additional Chief Secretary to Government, Haryana,  
Home Department.

52

APPENDIX-I

Haryana Witness Protection Scheme, 2020  
Witness Protection Application  
Under  
Haryana Witness Protection Scheme, 2020

Before,  
The Competent Authority,  
District \_\_\_\_\_

(to be filed in duplicate)

Application for:

1. Witness Protection
2. Witness Identity Protection
3. New Identity
4. Witness Relocation

1.	Particulars of the Witness (Fill in Capital): (1) Name (2) Age (3) Gender (Male/Female/Other) (4) Father's/Mother's Name (5) Residential Address (6) Name and other details of family members of the witness who are receiving of perceiving threats (7) Contact details (Mobile/e-mail)	
2.	Particulars of the Witness (Fill in Capital): (1) FIR No. (2) Under Section (3) Police Station (4) District (5) D.D. No. (In case FIR not yet registered) (6) Cr. Case No. (In case of private complaint)	
3.	Particulars of the accused (if available/known) (1) Name (2) Address (3) Phone Number (4) Email ID	
4.	Name & other particulars of the person giving/suspected of giving threat	
5.	Nature of threat perception. Please give brief of threat received in the matter with specific date, place, mode and words used	
6.	Type of witness protection measures prayed by / for the witness	
7.	Details of Interim/urgent witness protection needs, if require	

Application/witness can use extra sheets for giving additional information.

\_\_\_\_\_  
(Full name with signature)

Date \_\_\_\_\_

Place \_\_\_\_\_

53

**UNDERTAKING**

1. I undertake that I shall fully cooperate with the Competent Authority and the Department of Home of the State and Witness Protection Cell.
2. I certify that the information provided by me in this application is true and correct to my best knowledge and belief.
3. I understand that in case, information given by me in this application is found to be false, Competent Authority under the scheme reserves the right to recover the expenses incurred on me from out of the Witness Protection Fund.

\_\_\_\_\_  
(Full Name with signature)

Date: \_\_\_\_\_  
Place: \_\_\_\_\_

APPENDIX-II

**Assessment of Expenditure to be incurred in implementation of Witness Protection Orders under Haryana Witness Protection Scheme, 2020:-**

**Witness Protection Fund:**

Under Haryana Witness Protection Scheme, 2020, a "Witness Protection Fund" for bearing the expenses incurred during the implementation of Witness Protection Orders passed by the Competent Authority and related expenditures shall be operated by the Police Department/Ministry of Home under State Government, with the following components:

1. Budgetary allocation made by State Government in the annual budget.
2. Receipt of amount of fines imposed (under Section 357 of the CrPC) ordered to be deposited by the courts/tribunals in the Witness Protection Fund.
3. Donations/contributions from International/National/Philanthropist/ Charitable Institutions/Organizations and individuals permitted by Central/State Governments.
4. Funds contributed under Corporate Social Responsibility.

While undertaking various protection measures, in order to implement Witness Protection Orders, and other related activities under this scheme, the following expenditure may be meted out of Witness Protection Fund:

- (a) Ensuring that the witness and the accused do not come face to face during investigation or trial.
- (b) Monitoring of mails and telephone calls.
- (c) Arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number.
- (d) Installation of security devices in the witness's home such as security doors, CCTV cameras, alarms, fencing etc.
- (e) Close protection, regular patrolling around the witness's house.
- (f) Temporary change of residence to a relative's house or a nearby town.
- (g) Escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing.
- (h) Usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable.
- (i) Ensuring expeditious recording of deposition during trial on day to day basis without adjournments.
- (j) Awarding time to time periodical financial aids/grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting new vocation/profession, if desired.
- (k) Any other miscellaneous expenditure.

The expenditures indicated above are merely indicative and may include any other related activity deemed necessary to implement witness protection orders. In case the witness has lodged a false complaint, the Competent Authority under this scheme can initiate proceedings for recovery of the expenditure incurred to recoup the Witness Protection Fund.



**Template of Expenditure Report to be submitted by district head of the Police under Haryana Witness Protection Scheme, 2020:-**

1.	<b>Witness No.1</b> a. Ensuring that the witness and the accused do not come face to face during investigation or trial. b. Monitoring of mails and telephone calls. c. Arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number. d. Installation of security devices in the witness's home such as security doors, CCTV cameras, alarms, fencing etc. e. Close protection, regular patrolling around the witness's house. f. Temporary change of residence to a relative's house or a nearby town. g. Escort to and fro the court and provision of Government vehicle or a State funded conveyance for the date of hearing. h. Usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable. i. Ensuring expeditious recording of deposition during trial on day to day basis without adjournments. j. Awarding time to time periodical financial aids/grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting new vocation/profession, if desired. k. Any other miscellaneous expenditure.	
2.	<b>Witness No.2....</b>	
3.	<b>Witness No.3....</b>	

APPENDIX-III

Template of Threat Analysis Report to be submitted by district head of the police under Haryana Witness Protection Scheme, 2020

1.	Particulars of the Witness (Fill in Capital): (1) Name (2) Age (3) Gender (Male/Female/Other) (4) Father's/Mother's Name (5) Residential Address (6) Name and other details of family members of the witness who are receiving or perceiving threats (7) Contact details (Mobile/e-mail)	
2.	Particulars of Criminal matter: (1) FIR No. (2) Under Section (3) Police Station (4) District (5) D.D. No. (in case FIR not yet registered) (6) Cr. Case No.(in case of private complaint)	
3.	History of enmity	
4.	Particulars of the Accused (if available/known): (1) Name (2) Address (3) Phone No. (4) E-mail ID	
5.	Name & particulars of the other persons giving/suspected of giving threats (1) Name (2) Address (3) E-mail	
6.	Nature /Reason of threat Please give brief details of threat received in the matter with specific date, place, mode and words used	
7.	Details of bodily injury causing death, grievous hurt and injury as to the reputation and financial injury.	

57

8.	<p><b>Threatened persons potential vulnerabilities</b></p> <p>A. Physical location of the applicant</p> <p>B. Vulnerabilities with regard to gender issues i.e. threat of gender violence such as acid-attack/physical abuse of molestation/mental harassment</p> <p>C. Vulnerabilities vis-a-vis social issues such as: Honour killing, Out casting (Hukka pani Band) etc.</p> <p>D. Possession of weapon by opposition party</p> <p>E. Socially dominant position of opposite party</p> <p>F. Political patronage</p> <p>G. Witness against Gangsters (Organised criminals)</p> <p>H. Threat of contract killing/ abduction</p> <p>I. Extent of threat</p> <p>J. Vulnerabilities on social media</p>	
9.	<p>Category of witness as per threat perception</p> <p><b>Category 'A'</b></p> <p>Where the threat extends to life of witness or his/her family members during investigation/trial or thereafter</p> <p><b>Category 'B'</b></p> <p>Where the threat extends to safety, reputation or property of the witness or his/her family members during the investigation/trial or thereafter</p> <p><b>Category 'C'</b></p> <p>Where the threat is moderate and extends to harassment or intimidation of the witness or his/her family members, reputation or property during the investigation/trial or thereafter</p>	
10.	Type of witness protection measures prayed by/for the witness	
11.	<p><b>TYPES OF PROTECTION MEASURES SUGGESTED FOR THE WITNESS</b></p> <p>a. Ensuring that witness and accused do not come face to face during investigation or trial;</p> <p>b. Monitoring of mail and telephone calls of the accused;</p> <p>c. Arrangement with the telephone company to change the witness's telephone number or assign him/her an unlisted telephone number;</p>	

58

<p>d.</p> <p>e.</p> <p>f.</p> <p>g.</p> <p>h.</p> <p>i.</p> <p>j.</p> <p>k.</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>l.</p>	<p>Installation of security devices in the witness's home such as security doors, CCTV cameras, alarms, fencing etc;</p> <p>Emergency contact persons details for the witness;</p> <p>Close protection, regular patrolling around the witness's house;</p> <p>Escort to and fro the court and provision of Government vehicle or a State funded conveyance for the date of hearing;</p> <p>Holding of camera trials;</p> <p>Allowing a support person to remain present during recording of statement and deposition;</p> <p>Ensuring expeditious recording of deposition during trial on day to day basis without adjournments;</p> <p>Hiding the identity</p> <p>1. Concealment of identity of the witness by referring to him/her with the changed name or alphabet;</p> <p>2. Temporary change of residence to a relative's house or a nearby town;</p> <p>3. Usage of specially designed vulnerable witness court rooms which have special arrangements like live video links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice so that he/she is not identifiable.</p> <p>4. re-location, sustenance or starting a new vocation/profession, if desired;</p> <p>l. Any other form of protection measures considered necessary.</p> <p>(The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time).</p>	
<p>12.</p>	<p>Details of Interim/Urgent Witness Protection needs, if required</p>	

(89)

THROUGH E-MAIL/ POST

From

The Director Prosecution, Haryana  
Bays No. 9-10, Sector-14, Panchkula.

S.O.P. for S.C & ST  
(POA) Act cases

To

1. The Director General of Police, Haryana, Panchkula.
2. All District Magistrates posted in the State of Haryana.
3. All Superintendents of Police posted in the State of Haryana.
4. All District Attorneys posted at District Level in the State of Haryana.

Memo No. AP (7)-2020/ 1033-54 Panchkula,  
Dated: 27/01/21

**Subject: - Standard Operating Procedure (S.O.P.) for investigation/ prosecution of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.**

\*\*\*

Reference on the subject noted above.

Whereas the Government has issued the Standard Operating Procedure (S.O.P.) for investigation/ prosecution of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 vide no. 2/5/2020-5JJ(1) dated 04.12.2020. Copy of same is being sent for information and making implementation in letter and spirit so that desired object of the Standard Operating Procedure (S.O.P.) may be achieved.

Enclosed: As above.

(Sanjay Hooda)  
Additional Director of Prosecution, Haryana  
for Director of Prosecution, Haryana, Panchkula

Endst No. AP(7)-2020/

Dated: 27/1/21

A copy is forwarded to the Additional Chief Secretary to Govt. of Haryana, Administration of Justice Department for information please w.r.t. Endst no. 2/5/2020-5JJ(1) dated 04.12.2020.

(Sanjay Hooda)  
Additional Director of Prosecution, Haryana  
for Director of Prosecution, Haryana, Panchkula

SECRET  
Diary No. 79  
08/12/2020

HARYANA GOVERNMENT  
ADMINISTRATION OF JUSTICE DEPARTMENT

No. 2/5/2020-5J1(I)

Dated 04/12/2020

STANDARD OPERATING PROCEDURE (SOP) FOR INVESTIGATION/PROSECUTION OF  
CASES UNDER THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF  
ATROCITIES) ACT, 1989

Article 17 of the Constitution of India has abolished the practice of untouchability in all forms. To give effect to Article 17 of the Constitution of India, Parliament enacted the Untouchability (Offences) Act, 1955 and later re-named it as the Protection of Civil Rights Act, 1955 and notified the Rules in 1977 to implement the Provisions of the Act. Later on, the Parliament passed the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 which enable the police authorities for taking measures to prevent the atrocities to implement the provisions of this Act. Further, the Government of India notified the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules in the year 1995. In view of the above, it is imperative duty of all components of criminal justice system i.e. the Investigating Agency, Prosecution Agency etc. to implement all the provisions of the enactments in their true spirit. Hence, the following Standard Operating Procedure (SOP) is issued to deal with the incidents of atrocities; investigation and trial of the cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as under:-

1. FOR POLICE OFFICERS:-

A) PREVENTIVE MEASURES:-

- i. To identify the atrocities prone areas/ villages in order to enable themselves to take adequate preventing measures well in time.
- ii. SHO should visit the identified areas and review the Law and Order situation of the identified area from time to time.
- iii. To organize Awareness Campaign in the identified areas to educate the members of Scheduled Castes/Scheduled Tribes about their rights and protections available to them under different enactments.

B) FOR REGISTRATION OF CASE:-

- i. Any complaint of atrocity on a member of a Scheduled Caste or a Scheduled Tribe by forcing them to eat any inedible substance, causing insult or annoyance, parading them naked/ with painted face, wrongful occupation/ dispossession from their land, house etc. forcing bonded labour, use of force in casting of vote, institution of false cases, intentional insult in public view, outraging modesty of women belonging to a Scheduled Caste/Scheduled Tribe, refusing access to public places, expelling members of Scheduled Caste/Scheduled Tribe from their houses/ village etc. are covered under section 3 (1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Whereas, any person who is not a member of a Scheduled Caste or a Scheduled Tribe, gives or fabricating false evidence to cause or knowing it to be likely to cause the member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards; commits mischief by fire or any explosive substance intending to cause or knowing it to be likely to cause destruction

2

of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe; attempt to cause disappearance of the evidence etc. would fall under section 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- ii. All the cases of atrocities on a member of a Scheduled Caste or a Scheduled Tribe by a person, not a member of a Scheduled Caste or a Scheduled Tribe, should be registered under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- ii. If any offence under section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is committed by a public servant, he is liable to be prosecuted under section 3(2)(vii) of the Act.
- iii. On receipt of a representation/ complaint pertaining to any offence under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 either in writing or orally at the Police Station, the officer -in-charge of Police Station shall register a case, as provided under Rule 5(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 read with section 154 Cr.P.C. If the Officer- in- charge of the Police Station fails to do so, it amounts to "willful neglect of duty" which in itself is an offence under section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- iv. While registering First Information Report (F.I.R.), it should be ensured that correct Sections and Sub Sections under the appropriate Act are applied. Any attempt of burking or minimizing the gravity of the offence shall be treated as "Willful neglect of duty".
- v. All the cases of bogus caste certificates should be registered under section 420 IPC.

**C) FOR INVESTIGATING OFFICER**

- i. All the Cases referred under section 156 (3) Cr.P.C. by the Court should be promptly registered and the copies of First Information Report (F.I.R.) should be sent to court and other concerned officers without any delay.
- ii. F.I.R. copy in every case should be sent to the District Magistrate to enable him to take decision regarding sanction of relief and rehabilitation measures and a copy of the F.I.R. should also be given to the complainant.
- iii. F.I.R. copy should also be sent to the Commissioner of Police/Superintendent of Police promptly with a request to appoint the Investigating Officer (I.O.) at the earliest, to enable the Investigating Officer to commence investigation without any loss of time.
- iv. Investigating Officer (I.O.) i.e. Assistant Commissioner of Police (ACP)/Deputy Superintendent of Police (DSP) has to be appointed by the Commissioner of Police (CP)/Superintendent of Police (SP) to expeditiously investigate the case registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as envisaged under Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

- v. Investigating Officer shall complete the investigation on top priority basis within prescribed period provided under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989/ the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.
- vi. In case, the appointed Investigating Officer (I.O.) is transferred out, another Investigating Officer (I.O.) shall be appointed by issuing a fresh Appointment Order by the Commissioner of Police(C.P.)/Superintendent of Police(S.P.) under Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act Rules, 1995.
- vii. On receipt of the appointment order from the Superintendent of Police/Commissioner of Police, the appointed Investigating Officer (I.O.) should take up investigation from the stage of F.I.R. If the initial investigation has been done by an officer not qualified under Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act Rules, 1995, it is an irregular investigation and mere verification of such investigation by the Assistant Commissioner of Police (ACP)/Deputy Superintendent of Police is void and irregular under the Law.
- viii. Investigating Officer shall record the reasons for delay occurred in registering the F.I.R. as far as practicable.
- ix. Investigating Officer (I.O.) shall examine all eye witnesses and record their statement during investigation especially those who have been mentioned by the complainant in the complaint.
- x. Investigation Officer (I.O.) shall collect the Caste Certificate of the complainant and accused.
- xi. Investigation Officer shall examine the important and relevant witnesses who would help him to unearth the truth and complete the investigation within prescribed period.
- xii. Investigation Officer shall make all possible efforts to gather evidence to the effect that the accused person was aware of the victim's caste at the time of committing the offence.
- xiii. After recording the statements of witnesses under section 161 Cr.P.C., Investigating Officer must hand over a copy of the same to the concerned witnesses under acknowledgement on the original copy as it would help in ensuring the truthfulness of the statements and the witness may refer to the same prior to his examination in the court. It would also stop the Investigating Officers from doing table investigation and that too at his convenient time.
- xiv. Investigating Officer shall use modern scientific techniques such as audio-video techniques during investigation.
- xv. Investigating Officer should not hesitate to arrest the accused person(s) promptly as per law when the accused person(s) are likely to tamper with the evidence by way of threatening or winning over the witness or terrorise the complainant or they are likely to abscond etc. It should also be ensured that non-arrest of the accused does not result into commission of series of offences against the victims.
- xvi. Any attempt on the part of the accused to threaten the witnesses or to tamper with the evidence etc., shall bring into the notice of the Court as

2



well as into the notice of Standing Committee Constituted at District Level, in pursuance of sub-clause (c) of Clause 2 of the Witness Protection Scheme, 2018 vide Govt. Notification No. 4/7/2017-2H(C) dated 07.02.2020, by the Investigating Officer. Further, the Investigation Officer (I.O.) shall also seek for denial or cancellation of the bail, as the case may be, and take all necessary action to provide adequate protection to the witnesses so that they may give their evidence against the accused without any fear/pressure.

- xvii. In the cases registered against public servants, the Investigation Officer (I.O.) should obtain prosecution sanction under section 197 Cr.P.C. of the Government/Competent Authority to prosecute the accused before filing the charge sheet, where it requires.
- xviii. Investigating Officer shall cite all the witnesses in the list of Prosecution witnesses with their proper and complete address(s)/contact number/e-mail ids in the challan i.e. Police report prepared under section 173 Cr.P.C. and shall enclosed all the relevant documents/Statement of witness recorded under section 161/164 Cr.P.C./FSL/MLR/PMR reports etc., and prosecution sanction, where it required, with the Challan as per index of Challan.
- xix. Adequate care shall be taken by the investigating Officer to complete the investigation within the stipulated period and submit the report to concerned authority as provided under Rule 7(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act Rules, 1995.
- xx. Investigation Officer must furnish the required number of copies of challan i.e. Police report prepared under section 173 Cr.P.C. alongwith relevant material/ documents as per index of Challan to the accused to get the charges framed early in the Court.

2. **FOR DISTRICT ATTORNEY/PUBLIC PROSECUTORS CONDUCTING TRIAL/NODAL OFFICERS APPOINTED TO IMPLEMENT THE PROVISIONS OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989:-**

- i. Public Prosecutor shall scrutinize each and every challan i.e. Police report prepared under section 173 Cr.P.C. properly as per the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules framed under the Act. Public Prosecutor shall also ensure that Investigating Officer has prepared challan i.e. Police report prepared under section 173 Cr.P.C., under all relevant provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 etc. There shall not be any attempt of burking or minimizing the gravity of the offence.
- ii. District Attorney shall ensure that every challan i.e. Police report prepared under section 173 Cr.P.C. be properly scrutinized.
- iii. Every challan i.e. Police report prepared under section 173 Cr.P.C. shall be forwarded to the Court through Nodal Officers i.e. next to Senior most Deputy District Attorney appointed by the Prosecution Department, Haryana.
- iv. District Attorney/ Nodal Officers appointed by the Prosecution Department, Haryana/ Public Prosecutor conducting trial shall make strict

- compliance of the instructions/directions issued by the Government as well as by this department regarding checking of Challan, conducting of trial etc.
- v. District Attorney shall send the half yearly report for the period from January to June in the first week of July and for the period from July to December in the first week of January regularly to the Director of Prosecution, Haryana on the following points:-
- a) Status of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 for the above said period in the enclosed prescribed format.
  - b) Lapses observed on behalf of Investigating Officer or Public Prosecutor by the learned Trial Court in its judgment.
  - c) Performance Report of Public Prosecutors dealing/ conducting trial of the cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989.
- vi. District Attorney shall request the District Magistrate to conduct a meeting at District Level regarding review of performance of Public Prosecutors as provided under Sub-Rule (2) of Rule 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and send the minutes of meeting to the Director of Prosecution, Haryana and concerned quarters.
- vii. District Attorney shall ensure the compliance of direction issued by the Director of Prosecution, Haryana vide letter no. AP(7)-2020/4482-4503 dated 03.03.2020 regarding tendering of opinion for fit/not fit of the case for filing appeal in the Learned Appellate Court. For ready reference, the relevant part is reproduced as under:-

" xxx

- a) Public Prosecutor/Assistant Public Prosecutor shall apply for certified copy of judgment passed by the Ld. Trial Court within three (3) days from the date of passing the said judgment and any delay by the Official(s)/ Officer(s) shall entail disciplinary action.
- b) On receiving of certified copy of judgment, the District Attorney and Public Prosecutor/Assistant Public Prosecutor shall tender their opinion regarding fit/not fit of the case for filing appeal within ten (10) days and send the same alongwith relevant case record to the concerned authorities for further examination and necessary action.

The delay in tendering the opinion must not exceed beyond the period of fifteen (15) days in any circumstances and delay shall be explained within five (5) days of exceeding the limit of ten (10) days coupled with specific reason for the delay in writing. If the delay is found to be due to the negligence of Official(s)/ Officer(s) then the same would invite disciplinary action as per departmental rule.

- (c) The District Attorney shall send the following report to this office:-

- (i) The fortnight report of the cases where the opinion has not been tendered within ten (10) days and separate report where the delay is beyond the period of fifteen (15) days by the Public Prosecutor/Assistant Public Prosecutor alongwith his comments and reasons specified, if any.
- (ii) The fortnight report of the cases where the opinion of not fit for appeal has been tendered by the Public Prosecutor/Assistant Public Prosecutor alongwith his comments.
- (iii) Monthly report of the cases where the opinion of fit for appeal has been tendered by the Public Prosecutor/Assistant Public Prosecutor alongwith his comments."

viii. District Attorney shall ensure that all the opinion shall be sent along with relevant case record i.e. Statement of Witnesses/MLR/PMR etc. to the concerned authorities for further examination and necessary action.

3. **ENSURING THE SERVICE OF SUMMONS AND TIMELY PRESENCE OF WITNESSES AND ACCUSED BEFORE THE TRIAL COURTS WITH A VIEW TO ENSURE EXPEDITIOUS TRIAL AND TO AVOID DELAY IN CONCLUSION OF TRIAL:-**

All concerned quarters shall perform their role and duties mentioned in the policy issued by the Haryana Government vide Notification No. 12/264/2019-4HG-IV dated 20.02.2020 for ensuring the service of summons and timely presence of witnesses and accused before the trial courts with a view to ensure expeditious trial and to avoid delay.

4. **ROLE/DUTIES FOR COMMISSIONER OF POLICE (HQ)/ SUPERINTENDENT OF POLICE (HQ)/ DISTRICT ATTORNEY:-**

- i. In case of lapse(s) observed on the part of *Investigating Officer/Police Official*, Commissioner of Police/ Superintendent of Police must initiate appropriate disciplinary action against the Investigating Officer/Police Official for the lapses pointed out in the judgment by the Learned Trial Court.
- ii. In case of lapse(s) observed on the part of *Public Prosecutor/Nodal Officer*, the District Attorney shall bring the same into knowledge of the Director of Prosecution, Haryana and send his detailed report to the Director of Prosecution, Haryana for taking appropriate action against Public Prosecutor for the lapses pointed out by the Learned Trial Court in its judgment.
- iii. Commissioner of Police/ Superintendent of Police shall actively liaise with the District Magistrate for effective functioning of District Vigilance & Monitoring Committee by way of causing critical review of cases for their expeditious disposal, organizing Awareness Campaigns, seeking involvement of NGOs, review of relief and rehabilitation measures, formulation of Model Contingency Plans for preventing disputes and caste related social disturbances, etc.

iv. Commissioner of Police/ Superintendent of Police shall organize intensive training programmes/Sensitization workshops to increase level of awareness among the police personnel regarding provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules made therein to help the police personnel to get closer to the public and to be sensitive towards them.

v. Commissioner of Police/ Superintendent of Police shall review periodical progress in investigation and trial of the cases; to review the Final Reports and take appropriate decision keeping the following points in view among other things:-

20

- a) Whether the Investigating Officer (I.O.) has examined all the eye witnesses and recorded their statement during investigation especially those who have been cited by the complainant in the complaint or not.
- b) Whether the Investigation Officer (I.O.) has collected the Caste Certificate of the complainant and accused or not.
- c) Whether the Investigation Officer (I.O.) so appointed under Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 had completed the investigation within stipulated period or not.

vi. Commissioner of Police/ Superintendent of Police shall send the progress report to the Director General of Police, Haryana for taking necessary action.

**5. COMPLIANCE AND RESPONSIBILITY:-**

Meticulous compliance of these guidelines shall be of paramount importance. If any officer/official of Police or Prosecution is found negligent while discharging his duties, disciplinary proceedings may be initiated against such officer/official as per respective departmental rules.

Director General of Police, Haryana and Director of Prosecution, Haryana shall hold meetings with all the concerned Officials at least twice in a calendar year to ensure the implementation of these guidelines in letter and spirit. They will apprise the Home Secretary, Haryana and Director, Welfare of Scheduled Castes and Backward Classes Department, Haryana regularly about the same.

*sdL*

(Dinesh Sharma)

Under Secretary, Jail and Judicial,  
for Additional Chief Secretary to Government, Haryana,  
Administration of Justice Department.

Endst. No. 2/5/2020-5JJ(I)

Dated Chandigarh, the 04/12/2020

A copy is forwarded to the following for information and necessary action:-

- 1. The Director General of Police, Haryana, Panchkula.
- 2. The Director of Prosecution, Haryana, Panchkula.

*Dinesh Sharma*  
(Dinesh Sharma)

Under Secretary, Jail and Judicial,  
for Additional Chief Secretary to Government, Haryana,  
Administration of Justice Department.

*8*



(68)

No. 1543  
9-2-22

S.O.P. for Bank  
Fraud Cases

HARYANA GOVERNMENT  
ADMINISTRATION OF JUSTICE DEPARTMENT

Dated:- 04/02/2022

No. 11/7/2021-3JJ(I)

Standard Operating Procedure (SOP) for Public Prosecutors/Assistant Public Prosecutors regarding Scrutiny of Challan and conducting of Prosecution/trial in Bank Fraud cases.

Cases of Financial/Bank Frauds involving public funds are a matter of great concern which require proper and effective prosecution to ensure the fair trial as well as conviction of accused persons. Therefore, the Standard Operating Procedure (SOP) is issued to enable the Public Prosecutors/Assistant Public Prosecutors to conduct trial/ Prosecution in an effective and efficient manner in the Learned Trial Courts.

A. Scrutiny of Police report prepared under section 173 of Cr.P.C. (Police Challan):-

- i. All the Challan in the bank fraud cases shall be checked/ scrutinized by the Challan Checking Committee consisting of District Attorney, Senior Deputy District Attorney and concerned Assistant District Attorney.
- ii. That at the time of scrutiny of the challan, it shall be ensured by the Challan Checking Committee as under:-
  - a. That the Investigating Officer (I.O) has taken into possession the loan application, loan agreement, PAN Card, guarantee deed, if any and the mortgaged deed executed, revenue documents/title deed submitted to prove title of mortgaged property/land. and non-encumbrance certificate/valuation report submitted by the Valuer/Assessor etc. alongwith grantor's documents for verification in original from the authorized official/officer of the bank concerned.
  - b. The Investigating Officer (I.O.) has cited the name of official/official of concerned institution in the list of prosecution witnesses from whom the I.O. has collected the documents/record or whose evidence/ statement is required to prove the documents/record collected during the investigation and offence or prosecution case.
  - c. The Investigating Officer has collected the documents relating to the purpose for which the loan/transaction was made and the procedure of the concerned bank/institution for disbursing such kind of loan or making transaction.
  - d. The Investigating Officer has collected the documents explaining the role of revenue officials, bank officials and other persons who assisted the accused in committing the offence/fraud.

contd. --

- e. The Investigating Officer has obtained the Credit Policy/terms and conditions of the bank and the same be checked whether the credit policy has been complied with or relaxed in order to accommodate the borrower. If so, reasons for relaxing the policy the terms and conditions of the policy has also be checked.
- f. The Investigating Officer has Joined the Advocate, Valuer, Appraiser who prepared latest (correct) opinion/report based on which the fraud has come to light and the said person has been cited as prosecution witness in the list of prosecution witnesses.
- g. The Investigating Officer has collected all the documents/ record relating to mistakes/defaults/irregularity committed in the process of sanctioning and disbursing of loan with deliberate act and criminal intention/ill motive or otherwise.
- h. The Investigating Officer has checked the Internal Audit Report/Statutory Audit Report/Concerned Audit Report/RBI Inspection Report to find out the discrepancies pointed out therein. This would enable to find out the role as well as involvement of accused persons in committing the offence.
- i. The Investigating Officer has collected the job card, key responsibilities, posting orders, office order/instructions, internal circulars on Do's and Don'ts and acknowledgement of having seen/received the circulars by the public servant/banker.
- j. The Investigating Officer has sought the Opinion/Clarification from Reserve Bank of India, whenever policy level deviation has taken place, if so required.
- k. In case of fraud of hypothecation of stock, Stock Inspection Reports of periodical inspections has been collected by the Investigating Officer.
- l. Documents should be seized by the Investigating Officer from the custodian or the authorized official of the bank only.
- m. In case the offence has been committed with the aid of technology, then requisite call details record with tower location as well as ownership details have been obtained by the Investigating Officer along with certificate under section 65-B of the Indian Evidence Act, 1872.
- n. The Investigating Officer has taken into possession the Customer Identification Application Form (CIAF) from the concerned Nodal Officer and moved an application to the Nodal Officer to preserve the relevant record including call details record and not to destroy the same.

contd. - -&gt;

PPV.

- 3 -

70

- o. CCTV footage, if any, has taken into possession by the concerned Investigating Officer.
- p. The Investigating Officer has taken into possession details regarding email account, IP address hard disk, pen drive or CD etc., in original or copied from the source along with certificate under section 65-B of the Indian Evidence Act, 1872 where the bank fraud has been committed through the use of such technology/computer peripherals.
- q. The investigating Officer has collected the documents/record about the moveable/immovable properties acquired with the amount obtained through bank fraud.
- r. Investigating Officer has verified the signatures of accused, granter's and any other persons, if the same is disputed.
- s. The Investigating Officer has obtained the internal enquiry report from the concerned bank, if any.
- t. The Investigating Officer has obtained the details regarding involvement of accused in similar nature of cases.
- u. That proper and complete address(s) and contact number of the witnesses shall be mentioned by the Investigating Officer(s) in the challan i.e. Police report prepared under section 173 Cr.P.C. Public Prosecutor shall ensure that all the witnesses shall be cited as witness in the list of witnesses with their proper and complete addresses and all the relevant documents/Statement of witness recorded under section 161 Cr.P.C/FSL Report/other reports etc., and prosecution sanction, where it required, shall be enclosed with the challan by the Investigating Officer as per index of challan.
- v. That the District Attorney shall ensure that each and every challan i.e. Police report prepared under section 173 Cr.P.C. shall be properly scrutinized by the Committee before forwarding it to the Court for trial. The District Attorney shall be personally responsible, if any detective/ incomplete challan is forwarded to the Court for trial.
- w. That proper certified copies of all relevant entries of Bankers Book taken by the Investigating Officer in his possession during the investigation as per the Bankers' Books Evidence Act, 1891 have been attached with the Challan.
- x. The Investigating Officer has cited all necessary documents and witnesses in the list of documents and witnesses respectively which are the part of the Challan.

contd - - -



At the time of Trial:-

B.

- a) The concerned Public Prosecutor/Assistant Public Prosecutor in-charge of the case will follow the provisions of the Bankers' Books Evidence Act, 1891 and other relevant laws.
- b) If any assistance of the concerned Bank/Institution is required, then the concerned Public Prosecutor/Assistant Public Prosecutor in-charge of the case may request to such Bank/Institution to depute any official/officer to assist him in the trial.
- c) If any difficulty is being faced by the concerned Public Prosecutor/Assistant Public Prosecutor in-charge of the case, then he/she shall bring into the notice of concerned District Attorney being in charge of Prosecution agency at District level and he will suggest appropriate remedy permissible under the law to concerned Public Prosecutor/Assistant Public Prosecutor in-charge of the case.
- d) Public Prosecutor/Assistant Public Prosecutor in-charge of the case shall tender the certified copies of all relevant entries of Bankers Book during trial or any other legal proceedings under section 4 of the Bankers' Books Evidence Act 1891.
- e) As and when the Court granted last opportunity for prosecution evidence, Public Prosecutor/Assistant Public Prosecutor in-charge of the case shall make necessary correspondence with the District Nodal Agency and incharge of Summoning Agency, requesting them to ensure the proper execution of summons/warrants and presence of the witnesses before the Ld. Trial Court on the date of hearing.
- f) That public Prosecutor/Assistant Public Prosecutor in-charge shall avoid unnecessary adjournments and take all necessary steps in time to avoid the delay in concluding the trial and shall also oppose unnecessary adjournment sought by defence counsel.

C. For ensuring the service of summons and timely presence of witnesses and accused before the trial courts with a view to ensure expeditious trial and to avoid delay in conclusion of trial:-

All concerned quarters shall perform their role and duties mentioned in the policy issued by the Home Department, Haryana Government vide Notification No. 12/264/2019-4HG-IV dated 20.02.2020 for ensuring the service of summons and timely presence of witnesses and accused before the trial courts with a view to ensure expeditious trial and to avoid delay.

Contd -- --

EXY:-

-5-

92

D. Compliance and Responsibility:-

Meticulous compliance of this Standard Operating Procedure shall be of paramount importance. If any officer of police or prosecution is found negligent while discharging his duties, the District Attorney shall bring it to the notice of the Director of Prosecution, Haryana for the necessary action against said defaulting official and action against the said official shall be taken as per rules as applicable.

122  
Dated Chandigarh  
the 04.02.2022

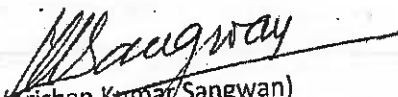
RAJEEV ARORA  
Additional Chief Secretary to Govt. Haryana,  
Administration of Justice Department, Haryana

Endst. No. 11/7/2021-3JJ (I)

Dated Chandigarh, the 08.02.2022

✓ A copy is forwarded to the Director of Prosecution, Haryana, Panchkula w.r.t. Memo No. A(7)-2021/8859 dated 19.08.2021 for further necessary action in the matter.

7/110)  
Sub urgent  
in file.  
SAD  
7AP  
09-2-22

  
(Krishan Kumar Sangwan)  
Superintendent, Jail & Judicial Branch-I,  
for Additional Chief Secretary to Government, Haryana,  
Administration of Justice Department.

S.O.P. for Law Officers

**MOST IMMEDIATE  
FOR STRICT COMPLIANCE  
THROUGH E-MAIL/ POST**

From

The Director Prosecution, Haryana  
Bays No. 9-10, Sector-14, Panchkula.

To

1. All District Attorneys posted at District Level in the State of Haryana.
2. All Deputy District Attorneys and Assistant District Attorneys posted in the offices of District Attorneys at District Level in the State of Haryana. Through concerned District Attorney(s).
3. All Clerks and Naib Courts working in the offices of District Attorneys at District Level in the State of Haryana Through concerned District Attorney(s).

Memo No. AP (7)-2022/ 1405-1407 , Panchkula

Dated: 29/03/2022

Subject: Regarding Meeting held under the chairmanship of Sh. Manohar Lal Khattar, Hon'ble Chief Minister, Haryana on 24.11.2021 at 12:30 PM in the Hon'ble CM's Camp Officer, Kothi No. 1, Sector-3, Chandigarh to review the status of implementation of the points approved in earlier meeting held on 31.07.2021 to review the performance of Prosecution Department, Haryana and delivery of Justice System in the State of Haryana.

\*\*\*

Reference to the Government letter no. 10/70/2021-2JJ(1) dated 24.03.2022 on the subject noted above.


Copy of the Standard Operating Procedure regarding working of Law Officers in District Courts issued by the Government vide no. 10/70/2021-2JJ(1) dated 17.03.2022 is being sent for information and making implementation of the said S.O.P. in letter and spirit so that desired object of the Standard Operating Procedure (S.O.P) may be achieved.


Enclosed: As above.

Endst. No. AP(7)-2022/ 1408

A copy is forwarded to the Additional Chief Secretary to Govt. Haryana, Administration of Justice Department, Haryana for information please w.r.t. your good office letter no. 10/70/2021-2JJ(1) dated 24.03.2022.

For Internal Distribution:-  
AP-1/AP-2/JP

  
District Attorney  
for Director of Prosecution, Haryana  
Dated: 29/03/2022

  
District Attorney  
for Director of Prosecution, Haryana

1

74

**HARYANA GOVERNMENT  
ADMINISTRATION OF JUSTICE DEPARTMENT**

No. 10/70/2021-2JT-I Dated: 17-03-2022

**STANDARD OPERATING PROCEDURE REGARDING WORKING OF LAW OFFICERS IN DISTRICT COURTS**

Prosecution Department, Haryana plays a vital role in the Administration of Justice in the State of Haryana and its Law Officers (District Attorney/Deputy District Attorney/Assistant District Attorney) conducts Criminal as well as Civil litigation on behalf of State in various Courts at District Level. Being integral part of criminal justice, they act as linking chain between police and courts. Keeping in view of role of law officers working in District Courts in delivery of justice, this Standard Operating Procedures is being issued to provide guidance to Law Officers (District Attorney/ Deputy District Attorney/Assistant District Attorney) working in District Courts as well as to fix their accountability.

**1. Role and Function of District Attorneys:-**

**A. DISTRICT ATTORNEY:**

The District Attorney while functioning as Public Prosecutor/Government Pleader shall perform the following duties:

**(a). Main Functions:-**

- (i) Being in-charge of the prosecution agency at District Level, the District Attorney is responsible for ensuring proper conduct of State cases in Criminal, Civil, Revenue and other miscellaneous matters in their respective District.
- (ii) He shall represent the State of Haryana in the Civil and Criminal Litigations in the Court of District and Sessions Judge.
- (iii) He shall tender opinion on legal matters at district level whenever called upon by the District Magistrate(s) or directed by the Director of Prosecution, Haryana.
- (iv) He shall ensure the proper scrutiny of report under section 173 Cr.P.C. (Challan) in criminal cases subject to general directions/ instructions issued by the Government as well as Director of Prosecution, Haryana from time to time.
- (v) Where the case(s) is opined as fit case for filing appeal/Revision in the Learned Appellate/Revisional Court by the concerned Law Officer (DDA/ADA) in his opinion, he (District Attorney) shall examine the judgment passed by the Learned Civil/Criminal Court, as the case may be, as well as grounds of appeal given by the Law

- Officer in his opinion and send the same to the concerned authorities for further necessary action.
- (vi) He shall communicate all the instructions issued by the Director of Prosecution/State Government among all Law Officers (DDA/ADA) posted at District and Sub-Division offices under his control and monitor their compliance in true letter and spirit.
  - (vii) He is required to review and supervise the working of Deputy District Attorneys and Assistant District Attorneys working under his control and supervision at District and Sub-Division offices.
  - (viii) He shall ensure that Law Officers (DDA/ADA) posted at District and Sub-Division offices are making compliance of the policies/guidelines/directions/ instructions issued by the Govt. and Director of Prosecution, Haryana in true letter and spirit.
  - (ix) Quarterly meetings of all the Law Officers posted at District and Sub-Division office shall be called in the District headquarters by the District Attorney. Presence of all prosecutors shall be ensured. Agenda of such meeting shall be finalized in advance. Endeavour shall be made in the quarterly meetings to apprise the Law Officers about new developments regarding important legal issues/judgments/laws/Chinhit Apradh cases etc. and serious prosecution deficiencies noticed recently and remedial action for the future etc. Record of such meetings, shall be maintained and minutes of meeting shall be communicated to the Director of Prosecution, Haryana.
  - (x) If any Law Officer (DDA/ADA) posted at District and Sub-Division office is found negligent while discharging his duties by the District Attorney, he shall send the matter to the Director of Prosecution, Haryana alongwith its proposal for necessary action.
  - (xi) The District Attorney shall keep close liaison with the District Magistrate and Superintendent of Police in the District and apprise them about developments regularly in every sensitive and important cases pending in the various Courts including matters affecting the effectiveness of the system of criminal justice.
  - (xii) The District Attorney shall prepare duty roster regarding presence of Law Officer in the Court of Duty Magistrate on Saturday/Sunday/ Government Holidays to represent the State of Haryana as per the duty roster of Judicial Officer. Further, the District Attorney shall ensure the presence of Law Officer as per Duty Roster.

(xiii) He shall also perform any other duty assigned by the Director of Prosecution, Haryana.

**(b) Scrutiny of Challans:**

- (i) The District Attorney shall ensure that all the Challans relates to Heinous Crimes/crimes trialable by the Session Courts shall be properly scrutinized by the Challan Checking Committee consisting of District Attorney, Senior Deputy District Attorney and concerned Assistant District Attorney.
- (ii) He shall ensure that the Challan Checking Committee has scrutinized the each and every challan properly.
- (iii) He shall ensure that Proper and complete address(s) / contact number / email IDs of the witnesses shall be mentioned by the Investigating Officer(s) in the challan i.e. Police report prepared under section 173 Cr.P.C. and while scrutinising the challan (i.e. Police report prepared under section 173 Cr.P.C.) Public Prosecutor shall ensure that all the witnesses shall be cited as witness in the list of witnesses with their proper and complete addresses and all the relevant documents/Statement of witness recorded under sections 164/161 Cr.P.C/FSL/MLR/PMR reports etc., and prosecution sanction, where required, shall be enclosed with the challan by the Investigating Officer as per the index of challan.
- (iv) Where the concerned Law Officer i.e. DDA/ADA has raised objection/ observation during the scrutiny of challan, he (District Attorney) is required to supervise as to whether the observations of the Law Officer have been complied with by the Investigating Officer when the challan is finalized.
- (v) In case of non-compliance or if a crucial aspect of the investigation is still incomplete, he will bring the matter to the notice of Superintendent of Police for taking further necessary action.
- (vi) He shall also monitor the process of scrutiny of Police challans in other cases by the Law Officer (ADA/APP), who are posted in the Sub-Divisions offices.
- (vii) He will ensure that all the entries regarding scrutiny shall be entered in the Challan Checking Register as per direction issued by the Directorate of Prosecution, Haryana.
- (viii) During the scrutiny of the challan, if it is found that the report of forensic or medical results have been delayed/ awaited, he should

bring the matter to the notice of the Superintendent of Police to take up with the Director, Forensic Science Laboratories or Director Health Services, as the case may be.

- (ix) If it comes to the notice of the Law Officer that the Investigation Officer has not adequately collected material evidence for forensic analysis or did not seek the necessary medical expert opinion, all such instances must be reported to the Superintendent of Police by the Law Officer/ Prosecutor through the District Attorney so that suitable action and remedial measures for the future may be taken accordingly.
- (x) if the Challan Checking Committee comes to the conclusion that there are fatal legal flaws in the Investigation and the prosecution is bound to fail, the same shall be reported by the District Attorney to the Superintendent of Police for necessary action.

2. Duties of Deputy District Attorney:-

- (i) He shall conduct Criminal, Civil, Revenue and other miscellaneous work in the Courts of Additional District & Sessions Judge as per order of the District Attorney.
- (ii) He shall conduct trial in the Special Courts as per Government instructions such as PC-PNDT/MTP etc.
- (iii) Any other duties assigned to him by the District Attorney.

3. Duties of Assistant District Attorney:-

- (i) He shall scrutinize the Challan which relates to the Court which has allotted by the District Attorney through Office Order.
- (ii) In case, there is non-compliance of objection raised by the law officer while scrutinized the Challan or if a crucial aspect of the investigation is still incomplete, he will bring the matter to the notice of District Attorney who shall report the matter to Superintendent of Police for taking further action.
- (iii) He shall conduct the cases in the Courts of Learned Chief Judicial Magistrates and Judicial Magistrates etc as per office order issued by the District Attorney.
- (iv) He shall appear in the Civil Courts/Revenue Courts/ Executive Courts on behalf of State of Haryana as directed/ordered by the District Attorney.

- (v) He will give his opinion regarding fitness of judgments/ order for filing appeal or revision, as the case may be, and submit to the District Attorney concerned for taking further action.

4. **Duties of Law Officers (DA/DDA/ADA) regarding Trial:-**

- (i) That Law Officers (DA/DDA/ADA) shall, before the commencement of trial, thoroughly examine the police file and the statement of the complainant/ witnesses recorded under section 154, 161 and 164 of the Code of Criminal Procedure.
- (ii) Special attention shall be given to the cases of Heinous Crime where scientific evidence, including forensic evidence, is to be led, to ensure that the requirements of the Evidence Act have been met out and the expert opinion is clear and unambiguous.
- (iii) In case, the original documents are to be produced at the time of evidence, the concerned law officer i.e. Deputy District Attorney/Assistant District Attorney, as the case may be, should bring this fact to the notice of the Investigation Officer/ SHO directly or through the Naib Court in advance for production of such record.
- (iv) In case, the Law Officer/Prosecutor finds that the report of forensic or medical results have been delayed or not received, he should bring the matter to the notice of the Superintendent of Police through District Attorney to take up with Director Forensic Science or Director Health Services, as the case may be.
- (v) After conclusion of trial, Concerned Law Officer (DDA/ADA) will examine the record and judgments passed by the Learned Court and put up his opinion before District Attorney regarding fitness of the case for filing appeal in Learned Appellate Court and District Attorney, thereafter, record his opinion and forward the same alongwith record to the concerned authorities for necessary action.

5. **DUTIES AND ROLE OF DISTRICT NODAL OFFICERS APPOINTED UNDER SPECIAL LAWS SUCH AS SC & ST (POA) ACT; POCSO ACT ETC.**

To implement the provisions of special laws i.e. SC & ST (POA) Act and POCSO Act, the Director Prosecution, Haryana, has appointed Senior Most Deputy District Attorney as District Nodal Officer for POCSO Act and Next to Senior Most Deputy District Attorney as District Nodal Officer for SC & ST (POA) Act. The District Nodal Officers shall perform the following duties in additions to the duties mentioned above:-



- (i) District Nodal Officer(s) shall review the status of cases relates to the SC & ST (POA) Act, POCSO Act, as the case may be, and the performance of the Special Public Prosecutor/Public Prosecutor conducting trial in the Special/Exclusive Court constituted under SC & ST (POA) Act, POCSO Act from time to time.
- (ii) District Nodal Officer(s) shall put his report before the concerned District Attorney who shall examine the same and send to the Director of Prosecution, Haryana alongwith his comments/ suggestions etc.

**6. DUTIES AND ROLE OF LAW OFFICER (DA/DDA/ADA) IN CIVIL CASES:-**

While appearing as Government Pleader on behalf of State of Haryana and its department in Civil Litigations, the Law Officer (DA/DDA/ADA) will perform the duties mentioned as under:-

- (i) That the Law Officers (DA/DDA/ADA) is authorised to put his appearance in the Civil Suits/ Civil Appeal/Execution Petition etc., where the State of Haryana or any other department of State of Haryana is impleaded as defendant/respondent, even no instruction for defence is received in the office of District Attorney. In such cases, the Government Pleader shall immediately communicate to the concerned department for issuance of instructions for defence from the competent authority in the favour of the office of District Attorney.
- (ii) That the Law Officers (DA/DDA/ADA) shall vet the draft of written statement/reply prepared by the department and also put his signature on the draft after vetting the same.
- (iii) That the Law Officers (DA/DDA/ADA) shall inform the competent authority of the concerned department in cases where the official(s) of department does not take any interest in pairvi of the cases.
- (iv) That as soon as the case is finally decided by the Civil Court, District Attorney shall ensure that certified copy of judgment/decreedecree sheet is applied at the earliest and the same shall be forwarded to the office of Legal Remembrancer and Administrative Secretary to Govt. Haryana, Law and Legislative Department alongwith his opinion/ recommendation/ comments regarding fitness/unfitness of filing further appeal /revision, as the case may be, in the case and a copy of the same shall be forwarded to the concerned department.
- (v) The District Attorney shall ensure that after approval of Legal Remembrancer, Haryana, appeal must be filed in the Appellate Court at earliest at District Level.

7. General Instructions:-

- (i) Concerned Naib Courts shall maintain the police files and ensure that police files are completed in all aspects containing all documents/record including statement of witnesses etc. He shall obtain copies of the statements of the witnesses and other documents as required by the Public Prosecutor/ Assistant Public Prosecutor from time to time.
- (ii) Concerned Naib Courts shall put up the police files of criminal cases before the concerned Public Prosecutor/Assistant Public Prosecutor at least 7 days prior in Chinhit Apradh Cases and at least 2 days prior in other Sessions Trial/Heinous Crime cases before the date fixed for hearing.
- (iii) After conclusion of trial, the concerned Naib Courts shall apply for certified copy of judgment passed by Learned Trial Court and put the same before concerned Public Prosecutor/ Assistant Public Prosecutor for his opinion regarding fitness of case for filing appeal/revision etc.
- (iv) Concerned Clerks of the offices of District Attorneys shall maintain the file of Civil Cases and ensure that all files are completed in all aspects such as Plaint/Written Statement/Replication/Applications/Statement of Witnesses/ documents etc.
- (v) After decision of the Learned Court, the concerned Clerk shall apply for certified copy of judgment/order passed by Learned Court and put the same before concerned Government Pleader (DA/DDA/ADA) for his opinion regarding fitness of case for filing appeal/revision etc.

8. Compliance and Responsibility:-

Meticulous compliance of this Standard Operating Procedure shall be of paramount importance. If any Law Officer (DA/DDA/ADA) is found negligent while discharging his duties or face any difficulty in discharging of his duties, the same shall bring into the notice of Director of Prosecution, Haryana for further necessary action. Any defaulting official shall be dealt as per respective departmental rules.

Director of Prosecution, Haryana or Officer/Official authorized by the Director of Prosecution, Haryana shall inspect the working of Law Officers (DA/DDA/ADA) and other staff of the offices of District Attorneys from time to time to ensure the implementation of this Standard Operating Procedure in true letter and spirit. He will also apprise the Additional Chief Secretary to Govt. Haryana, Administration of Justice Department, Haryana, regularly about the same.

*Rajeev Arora*  
(Rajeev Arora)

Addl. Chief Secretary to Govt. Haryana,  
Administration of Justice Department, Haryana

S.O.P/ Guidelines for NDPS Act  
-1- Cases

(81)

No. 4/2/2022-2HC  
HARYANA GOVERNMENT  
HOME DEPARTMENT  
Notification

The Chandigarh, 14<sup>th</sup> September, 2022

In compliance of the order dated 30.05.2022 passed by the Hon'ble Punjab & Haryana High Court in CRM-M-26224-2020 titled as Inderjeet Singh & an another Vs State of Punjab; CRM-M-29353- 2020 titled as Egwin Ceilstine Chike Vs State of Haryana; and CRM-M-40917-2021 titled as Mange Khan Vs State of Haryana, Governor of Haryana has framed guidelines listing the role of various stakeholders to ensure expeditious and fair trial in cases registered under Narcotic Drugs and Psychotropic Substance Act, 1985. (hereinafter referred as NDPS Act). These are as under:-

DP  
14/9/22

1. Role of Investigating Agency :-

- (i) The concerned SHO and supervisory officer (DSP/ACP) shall diligently supervise and monitor the progress of investigation. Further, the District Superintendent of Police/Commissioner of Police, as the case may be, shall review the status of investigation where commercial quantity and/or foreign nationals are involved on monthly basis and issue appropriate directions to the Investigating Officer/SHO, if required from time to time.
- (ii) That the Investigating Officer and SHO, while preparing challan/final report under Section 173, Cr.PC shall ensure :
  - (a) That proper Session kalendra and list of witnesses are prepared in which complete address of the all witnesses, their E-mail and Phone Number (if available), and in case of Police Officers/Officials witnesses, their rank and enrolment number shall be mentioned, to enable the Summoning Agency to serve the summons/warrants to them.
  - (b) That the particulars of documents/record required to be produced by the witnesses before the court shall be specifically mentioned in the list of witnesses and session kalendra, against the name of particular witness.
  - (c) That all documents relied upon by Investigation Agency shall be

DA (no)  
Put up on file  
①  
15/9/22

FAA

- attached in original with challan/final report and their details shall be mentioned in the Index of challan/final report. However, in case, it is not possible to take in possession the original record or document, a certified/attested copy of the said document(s) shall be attached with the challan/final report.
- (d) That the detailed particulars (like country of origin, passport and visa number, their date of issue and expiry) of accused person of foreign nationality shall be mentioned in the challan/final report in bold letters.
- (iii) That the concerned SHO shall ensure to get collected FSL report within prescribed period for filing challan. If report is not ready in cases involving commercial quantity and/or foreign national, he shall take up the matter with concerned Public Prosecutor to file application under Section 36 A (4) of NDPS Act for extension of time.
- (iv) That Investigating Officer shall ensure that the docket of the sample of the contraband contains the date of the arrest of the accused person to enable the FSL Official/Officer to ascertain the timeline for the preparation of the report before the expiry of time prescribed so that challan/final report under Section 173 of CR.P.C., 1973 can be filed timely with FSL report. Where the accused person was not arrested at the time of sending sample of contraband to the FSL, the Investigating Officer shall immediately on arrest of such accused, inform FSL.
- (v) The Deputy Superintendent of Police (HQ) or Assistant Commissioner of Police (HQ), as the case may be, who has been designated as District Nodal Officer of District Nodal Agency constituted by the Government of Haryana, Department of Home vide notification no. 12/264/2019- 4HG-IV dated 20.02.2020 is hereby designated as District Nodal Officer for cases registered under NDPS Act also.
- (vi) That as and when any foreign national is arrested in NDPS case, the concerned Investigating Officer shall intimate the concerned embassy through concerned FRRO/FRO by giving details of his country of origin, passport and visa number, its date of issue and expiry. At the same time, intimation to this effect shall also be sent to concerned Superintendent Jail. Simultaneously, intimation shall be given to Director, FSL mentioning

therein the details of docket of samples sent for examination (if already sent) for according priority.

**2. Role of Summoning Agency and Summoning Staff**

- (i) That the Incharge of Summoning Agency and summoning staff of the police station of concerned District/Commissioner of Police Office (as the case may be) shall ensure timely service of all the summons/warrants issued by Special Courts/Other Courts for securing the presence of witnesses in the Court, by serving it personally as well as through electronic mode e.g. through whatsapp, email etc. Further, he shall submit a compliance report in the concerned Court in this regard. In case of any gross negligence or willful default in effecting the service of summons/warrants, Incharge of Summoning Agency shall be answerable to the DSP(HQ)/ACP(HQ) as the case may be, being Supervisory Officer of Summoning Agency.
- (ii) That in case of non-service/execution of Summons/Bailable Warrants (BWs)/Non-Bailable Warrants (NBWs) due to change of address of the witness (es) or otherwise, all efforts shall be made by Summoning Agency to trace the new address and serve the summons/warrants upon witness (es) accordingly and send the compliance report to the Court. In case, by using all means, he could not trace the address of the witness (es), the matter shall be reported to District Nodal Agency through DSP(HQ)/ACP (HQ), being Supervisory Officer of Summoning Agency so that service of summons/warrants may be effected by public notice in at least two Local News papers having circulation in the area in which the witness was known to be lastly residing.
- (iii) That the DSP(HQ)/ACP (HQ), as the case may be, being District Nodal Officer for cases under NDPS Act also, shall ensure that the summons/warrants are properly and timely served upon witnesses and the witnesses appear before the court on the date fixed for recording their evidence. In case any official witness is unable to appear on the date fixed due to any emergent duty or some unavoidable reasons, he shall seek exemption from the court through the Supervising Officer. If any witness is unable to appear in person due to medical or other exigencies and his testimony is of formal nature, then arrangements

shall be made for his appearance before the court through video conferencing. In case the witness does not turn up on next date without valid reason or prior intimation, after receipt of recommendation from the Public Prosecutor a case shall be made out for taking disciplinary action against the said witness by the Supervisory Officer.

- (iv) That the District Nodal Agency and State Nodal Agency shall also monitor and review the working of summoning agency on monthly basis as provided in the Notification dated 20.02.2022. (Copy enclosed)
- (v) For effective service of summons, the special dedicated police officers for cases under NDPS Act shall be appointed in the summoning staff and they shall not be deputed for another duty in view of provisions stated above.

### 3. Role of Public Prosecutor

- (i) That the Public Prosecutor/Assistant Public Prosecutor while checking challan/final report shall ensure :-
  - (a) That the proper session kalendra and list of witnesses are prepared by the Investigating Officer/SHO and complete address of all witnesses their E-mail ID and Phone Number (if available), and in case of Police witnesses, their Rank & enrolment Numbers are specifically mentioned.
  - (b) That, the detailed particulars of the documents/record to be produced by the witness have been mentioned against the name of witness in the list of witnesses and session kalendra, so that the staff of courts may mention the same on the summons/warrants issued by the trial court and the witness appear in the court alongwith relevant documents/record and delay in examining such witnesses could be avoided.
  - (c) That no unnecessary witness is cited in the list of witnesses or session kalendra.
- (ii) The concerned Public Prosecutor shall, after the framing of charges, request the court to hold schedule hearing, as laid down by Hon'ble Supreme Court in SUO Moto writ (Crl.) No. (S) 1/2017 in case titled as "To Issue Certain Guidelines Regarding Inadequacies and Deficiencies in criminal trials Vs. State of Andhra Pradesh and priority shall be given to

those cases where seizure involves commercial quantity of contraband and/or foreign national is involved.

- (iii) That the concerned Public Prosecutor shall request the trial court for examining all the witnesses who come present and shall tender all legal assistance.
- (iv) That the concerned Public Prosecutor shall intimate Supervisory Officer i.e. the Deputy Superintendent of Police (S.O)/ACP (S.O) through Naib Court about the official or police witness who has not come present before the court on date fixed for hearing for tendering their evidence despite timely service of summons/bailable warrants. Supervisory Officer shall thereupon ensure their presence on the next date of hearing. In case the witness does not turn upon on next date without valid reason or prior intimation, he will recommend disciplinary action against the said officer.
- (vi) That in cases where the Court gives last opportunity for prosecution evidence, Public Prosecutor, he/she shall make necessary correspondence with the DSP(HQ)/ACP(HQ) and incharge of Summoning Agency, asking them to take necessary steps for proper and timely execution of summons/warrants and ensure presence of the witnesses before the Trial Court on the date for hearing.
- (vii) That the concerned Public Prosecutor shall oppose unnecessary adjournments, especially where witnesses are present. He shall ensure that adjournment is granted only after examining them except for special reasons to be recorded in writing, in view of Section 309(2) Cr.P.C.

4. Role of Forensic Science Laboratory

That the Director FSL shall prepare the timeline for testing of sample of contraband received from the police for testing by keeping in view the date of arrest of accused person. The report will be sent to the police, at least 10 days before the stipulated period for filing challan/final report. Priority shall be accorded to the cases where the commercial quantity and/or Foreign Nationals are involved. However, where it is not possible for the FSL to prepare the report due to unavoidable reasons within stipulated timeline, an intimation to this effect shall be given to the

concerned police authority alongwith the date by which the required report shall be ready/prepared. This will enable the police to move the application for extension of time to complete the investigation in view of Section 36(A) (4) of NDPS Act, 1985.

5. Role of Jail Authority

- (i) The Superintendent Jail shall check or cause to be checked, the nationality of a foreign prisoner at the time of admission and shall maintain his record.
- (ii) In case, at the time of admission, a foreign prisoner informs the jail authorities a different nationality than the one documented on his warrant, clarification in this regard shall be sought from the police authorities or FRRO or FRO concerned and information in this regard shall be shared with court concerned.
- (iii) For verification of the nationality of a foreign prisoner, the Superintendent shall communicate to Foreigner Regional Registration Officer (FRRO) or as the case may be to Foreigner Registration Officer (FRO), as the case may be, within a week of the foreign prisoner's admission to jail.
- (iv) Details of every foreign prisoner admitted in the jail shall be the communicated to the State Government i.e. Home Department, Haryana through concerned Commissioner of Police/Superintendent of Police with a copy to Director General of Police and District Magistrate. Further, above mentioned information shall be forwarded by Home Department to CPV Division, Ministry of External Affairs, Government of India, Ministry of Home Affairs, Government of India without any delay.
- (v) The Superintendent Jail shall ensure production of under trial foreigners before the court concerned on every date, to avoid delay in the trial. In case of non-production, intimation with reasons shall be given to the court concerned preferably a day before the date fixed and the prisoner shall be produced through video conferencing.
- (vi) The Superintendent Jail shall inform authorities concerned and FRRO/FRO regarding expiry of VISA or passport of any foreigner confined in jail at least three months in advance.



- (vii) The Superintendent Jail, shall also given an option to the prisoner concerned to apply for extension of a Visa to the concerned authorities through the e-FRRO platform, in such cases where the Visa is set to expire within a three months period.
- (viii) If a foreign prisoner is granted bail after his Visa expires, the Jail Superintendent shall hand over the custody of the foreigner to the foreigner cell in District S.P. Office who shall then present the said foreigner before the concerned court for further directions under the provisions of the Foreigners Act or any other relevant law, as may be appropriate, follow up with FRRO concerned for appropriate decision and shall also facilitate legal assistance through the DLSA concerned.

**Compliance and Responsibility**

This policy has been framed by the State Government to ensure that all the stakeholders shall make all out effort to ensure expeditious and fair trial in the cases related to NDPS Act.

(T.V.S.N Prasad)  
Additional Chief Secretary to Government  
Haryana, Home and Administration of Justice  
Department

Endst. No. 4/2/2022-2HC

Dated Chandigarh, the 14.09.2022

A copy is forwarded to the following for information and necessary action please:-

- 1) Director General of Police, Haryana, Panchkula.
  - 2) Director General, Prisons, Haryana, Panchkula.
  - 3) Additional Director General of Police, CID, Haryana, Panchkula.
  - 4) Additional Director General of Police, Law & Order, Haryana, Panchkula.
  - 5) Additional Director General of Police, Crime, Haryana, Panchkula.
  - 6) Additional Director General of Police, HSNCB, Haryana, Madhuban, Karnal.
  - 7) Director, Prosecution, Haryana, Panchkula.
  - 8) Director, FSL, Haryana, Madhuban, Karnal.
  - 9) All DMs/DCs in State (Through Email).
  - 10) Commissioners of Police, Gurugram, Faridabad and Panchkula. (Through Email).
  - 11) All SSsP/SsP in the State (Through Email)
  - 12) All District Attorneys in the State (Through Director, Prosecution Haryana).
  - 13) All Deputy Superintendents /Superintendents Jails in the State (Through Director General, Prisons Haryana).
2. You are hereby directed to issue necessary directions to concerned

88

officers/officials under your control to comply with the guidelines in letter and spirit.

3, This Notification may be uploaded on the website of your department.

4, This Notification is also available on website of Home Department, Haryana i.e. <https://homeharyana.gov.in>

*Alind* 14/9/2022  
Superintendent Home/(C)  
for Additional Chief Secretary  
to Government Haryana, Home Department  
W.S.A.

C.C. to:-

- a) I.T. Cell, Home Department, Haryana, Chandigarh.

**OFFICE OF DIRECTOR OF PROSECUTION (GENERAL), HARYANA, PANCHKULA.**

Endst.No.AP(7)-2022 5562 dated 26/09/2022

A copy of above is forwarded to All District Attorney posted at District level w.r.t. Notification No. 4/2/2022-2HC dated 14-09-2022 of Home Department for strict compliance in this matter.

*9/12*  
District Attorney (HQ)  
for Director of Prosecution (General) Haryana  
Panchkula

**Haryana Government**  
**Home Department**

From

The Additional Chief Secretary to Govt. Haryana  
Home Department.

To

1. The Registrar General, Hon'ble Punjab and Haryana High Court, Chandigarh.
2. The Director General of Police, Haryana, Panchkula.
3. The Inspector General of Police, CID, Haryana, Panchkula
4. The Director, Prosecution, Haryana, Panchkula.
5. The Director, Forensic Science Laboratory, Madhuban, Karnal.
6. All the Deputy Commissioners in the State of Haryana.
7. All the CPs/SPs in the State of Haryana.
8. All the District Attorneys in the State of Haryana.
9. All the Superintendents/Deputy Superintendents, Jail in Haryana.

Memo No.1/7/2018-2 H(Conf. )  
Dated Chandigarh the 24<sup>th</sup> July, 2018

**Subject:** 'चिन्हित अपराध' - Guidelines thereof.

Sir,

Reference on the subject noted above.

Government of Haryana has decided to introduce a scheme namely 'चिन्हित अपराध'. The quintessential idea behind the scheme is to identify serious and sensational crimes, which adversely impact the psyche of the masses, to ensure speedy and proper investigation and trial to secure conviction of the accused through an institutional mechanism. The objective of the scheme is as under:-

1. Grave and sensational crimes are identified for focused monitoring at all levels.
2. Investigation of crimes is based on solid and reliable evidence.
3. The investigation is completed in the prescribed period.
4. Quick disposal of crimes from the courts.
5. All offenders are awarded severe punishments.
6. Criminal justice system is strengthened in the State.
7. Better coordination between police administration, judiciary and prosecution.
8. Trust of the people in administration of justice is established and the victims get justice in shortest possible time.

The scheme envisions its implementation through two Committees given as under:-

**A. District Level Committee:**

- |      |   |   |                  |
|------|---|---|------------------|
| I.   | Deputy Commissioner                                 | - | Chairman         |
| II.  | Commissioner of Police/<br>Superintendent of Police | - | Member-Secretary |
| III. | District Attorney                                   | - | Member           |
| IV.  | Superintendent/Dy. Supdt. Jail                      | - | Member           |

1. The District Level Committee will meet on 1<sup>st</sup> Tuesday of every month religiously.
2. The Committee will identify heinous/sensational crimes in the district at various stages which it believes should be included in the list of 'चिन्हित अपराध' as per the mandate of the Scheme. The

.....2.....

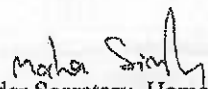
committee thereafter will review crimes committed during the month with a view to include in the list of 'विहित अपराध'.

- 3. The Committee will submit its recommendations to the Director General of Police, Haryana, who will put up it before the State Level Committee to decide on its inclusion in 'विहित अपराध' latest by 2<sup>nd</sup> Tuesday of every month.

**B. State Level Committee:**

- I. The Additional Chief Secretary to Government, Haryana - Chairman  
Home Department.
- II. The Legal Remembrancer & Administrative Secretary - Member  
to Government Haryana, Law & Legislative Department.
- III. The Director General of Police, Haryana - Member-Secretary
- IV. The Director Prosecution, Haryana. - Member.
- V. The Inspector General of Police (CID), Haryana - Member
- VI. The Director, Forensic Science Laboratory, - Member  
Haryana, Madhuban (Karnal)

- 1. The Committee will meet on 3<sup>rd</sup> Tuesday of every month.
- 2. The Director General of Police, Haryana will obtain the report/recommendations from the District Level Committees and submit for the consideration of the State Level Committee.
- 3. The Committee will review the progress made in various cases and identify the bottlenecks in investigation/trial and take corrective measures. The Committee will also review the number of cases reported from different districts and take up with the districts, if the number of cases reported by the districts under the scheme is insufficient or the Committee believes that there is crime a which qualifies to be covered under this scheme and the concerned district has failed to identify and report the same.
- 4. The Director General of Police, Haryana will convey the orders/directions of the State Level Committee to the District Level Committees for necessary compliance.
- 5. The list of 'विहित अपराध' will be furnished to Registrar General, Hon'ble Punjab & Haryana High Court every month for appropriate necessary action at their end.

  
 Under Secretary, Home (Confidential),  
 for Additional Chief Secretary to Govt. Haryana,  
 Home Department.  
 2

91

Haryana Government  
Home Department

From

The Additional Chief Secretary to Govt. Haryana  
Home Department.

To

1. The Director General of Police, Haryana, Panchkula.
2. The Additional Director General of Police, CID, Haryana, Panchkula.
3. The Additional Director General of Police, Law & Order, Haryana, Panchkula.
4. The Registrar General, Hon'ble Punjab and Haryana High Court, Chandigarh.
5. The Director, Prosecution, Haryana, Panchkula.
6. The Director, Forensic Science Laboratory, Madhuban, Karnal.
7. All the Deputy Commissioners in the State of Haryana.
8. All the CPs/SPs in the State of Haryana.
9. All the District Attorneys in the State of Haryana.
10. All the Superintendents/Deputy Superintendents, Jail in Haryana.

Memo. No. 1/7/2018-2 H(C)Vol-II  
Dated Chandigarh 8-2-2021

Subject: Inclusion of cases recommended by CID/Haryana in "Chinhit Apradh"  
Guidelines thereof.

\*\*\*\*\*

Sir,

Reference to this office Memo. No. 1/7/2018-2H(Conf.) dated 24.07.2018 vide which Government had issued "Chinhit Apradh" Guidelines thereof on the subject noted above.

2. It is intimated that it has been decided in the 12<sup>th</sup> meeting of State Level Committee on "Chinhit Apradh" (Heinous Crime) held on 29.12.2020 that the cases which are recommended by CID, Haryana may also be included in "Chinhit Apradh List", are added/inserted at Sr. No. 4 of Para A (District Level Committee) and some modification in Sr. No. 2 of Para B (State Level Committee) also made :-

Sr.No.-4 of (District Level Committee) is hereby modified as under:-

The office of Additional Director General of Police, Criminal Investigation Department (CID) Haryana will submit its recommendation regarding heinous/sensational crime cases to the Additional Director General of Police, Law & Order, Haryana for inclusion in "Chinhit Apradh List".

Sr. No.-2 of (State Level Committee) is hereby modified as under:-

The Additional Director General of Police, Law & Order, Haryana will procure the report/recommendations from District Level Committees as well as the Additional Director General of Police, Criminal Investigation Department (CID), Haryana and submit for the consideration of the State Level Committee.

*S. Singh*  
Under Secretary, Home (C)  
for Additional Chief Secretary to  
Government Haryana, Home Department.

CC:-

Incharge IT Cell, Home Department, Haryana for uploading the same on the website of Home Department, Haryana.

### Haryana Government Home Department ORDER

From

The Additional Chief Secretary to Govt. Haryana,  
Home Department.

To

- 1. The Registrar General, Hon'ble Punjab and Haryana High Court, Chandigarh.
- 2. The Director General of Police, Haryana, Panchkula.
- 3. The Additional Director General of Police, Law & Order, Haryana, Panchkula.
- 4. The Additional Director General of Police, CHD, Haryana, Panchkula.
- 5. The Additional Director General of Police, Crime, Haryana, Panchkula.
- 6. The Director, Prosecution, Haryana, Panchkula.
- 7. The Director, Forensic Science Laboratory, Madhuban, Karnal.
- 8. All the Deputy Commissioners in the State of Haryana.
- 9. All the CPs/SPs in the State of Haryana.
- 10. All the District Attorneys, in the State of Haryana.
- 11. All the Superintendents/Deputy Superintendents, Jail in Haryana.

Handwritten notes and signatures: "DP", "10/1/22", and "DA".

No. 1/7/2018-2 H (Conf.) Vol. 31  
Dated Chandigarh the 06<sup>th</sup> January, 2022.

**Subject:** विहित अपराध - Modified guidelines thereof.

Reference to the Government Memo No. U7/2018-2H (Conf.) dated 24<sup>th</sup> July, 2018 on the subject noted above.

Now, in furtherance of Home Department Memo No. 1/7/2018-2H (Conf.) dated 24<sup>th</sup> July, 2018, the Government has decided to modify the 'विहित अपराध' - Guidelines thereof' as under:-

Government of Haryana has decided to introduce a scheme namely 'विहित अपराध'. The main idea behind the scheme is to identify serious and sensational crimes, which adversely impact the psyche of the masses, to ensure speedy and proper trial to secure conviction of the accused through an institutional mechanism. The objective of the scheme is as under:-

- 1. Grave and sensational crimes are identified for focused monitoring at all levels.
- 2. Investigation is completed in the time period prescribed by Government from time to time.
- 3. Close monitoring of prosecution.
- 4. Quick disposal of crimes from the courts.
- 5. All offenders are awarded severe punishments as per law.
- 6. Criminal justice system is strengthened in the State.
- 7. Better coordination between police administration, judiciary and prosecution.
- 8. Trust of the people in administration of justice is established and the victims get justice in shortest possible time.

The scheme envisages its implementation through two Committees given

na under:-

A. District Level Committee:

- i. Deputy Commissioner - Chairman
- ii. Superintendent of Police OR  
in case of Police Commissionerate  
DCP (Hers.) - Member-Secretary
- iii. District Attorney - Member
- iv. Superintendent/Dy-Supdt, Jail - Member

1. The District Level Committee will meet on 1<sup>st</sup> Tuesday of every month religiously.
2. The Committee will identify heinous/sensational crimes in the district, which it believes should be included in the list of 'चिन्हित अपराध' as per the mandate of the Scheme. The committee thereafter will review crimes with a view to include in the list of 'चिन्हित अपराध'.
3. The Committee will submit its recommendations to the Additional Director General of Police, Crime, Haryana, who will put up it before the State Level Committee to decide on its inclusion in 'चिन्हित अपराध' latest by 3<sup>rd</sup> Tuesday of every month.

B. State Level Committee:

The State Level Committee is hereby re-constituted as under:-

- i. The Additional Chief Secretary to Government, Haryana Home Department. - Chairman
- ii. The Legal Remembrancer & Administrative Secretary to Government Haryana, Law & Legislative Department. - Member
- iii. The Director General of Police, Haryana, Panchkula - Member
- iv. The Additional Director General of Police, Law & Order Haryana, Panchkula. - Member
- v. The Additional Director General of Police, Criminal Investigation Department, Haryana. - Member
- vi. The Additional Director General of Police, Crime, Haryana, Panchkula. - Member-Secretary
- vii. The Director Prosecution, Haryana, Panchkula. - Member
- viii. The Director, Forensic Science Laboratory, Haryana Madhuban (Karnal) - Member

1. The State Level Committee 'Chinhit Apradh' will meet on bi-monthly basis (i.e 3<sup>rd</sup> Tuesday of respective month).
2. Criminal Investigation Department, Haryana will also recommend the cases for inclusion in the 'Chinhit Apradh' List.

3. Additional Director General of Police, Crime, Haryana will obtain the report/recommendations from the District Level Committees as well as Criminal Investigation Department, Haryana and submit for the consideration of the State Level Committee.
4. The Committee will review the progress in trial made in various cases and identify the bottlenecks in prosecution and take corrective measures. The Committee will also review the number of cases reported from different districts and take up with the districts, if the number of cases reported by the districts under the scheme is insufficient or the Committee believes that there is a crime which qualifies to be covered under this scheme and the concerned district has failed to identify and report the same.
5. The Additional Director General of Police, Crime, Haryana will convey the orders/directions of the State Level Committee to the District Level Committees for necessary compliance.
6. The list of 'चिन्हित अपराध' will be furnished to Registrar General, Hon'ble Punjab & Haryana High Court bi-monthly for appropriate necessary action at their end.

*S. Singh*  
 Deputy Secretary, Home (Confidential)  
 for Additional Chief Secretary to Govt. Haryana,  
 Home Department. *ks*



95  
MOST IMMEDIATE  
FOR STRICT COMPLIANCE  
CHINHIT APRADH

THROUGH E-MAIL/POST

From The Director of Prosecution (General), Haryana  
Bays No. 9 & 10, Sector-14, Panchkula.

To All District Attorneys  
posted at District Level  
in the State of Haryana.

Memo No. AP (7)-2022/

3756

Dated:

21/07/2022

Subject:- Chinhit Apradh

\*\*\*

Reference to this department letter no. AP (7)-2021/9922 dated 06.10.2021 on the subject cited above.

You are again hereby directed as under:-

- (i) To give special attention to the Challan Checking as well as trial of "Chinhit Apradh cases";
- (ii) To put the list of cases identified as "Chinhit Apradh Cases" (List of which was circulated by this office from time to time) before the District Level Monitoring Committee also for speedy investigation and trial of "Chinhit Apradh cases";
- (iii) To ensure that the acquittal of accused persons in "Chinhit Apradh cases" shall not be resulted due to any lapse on part of the Public Prosecutor.
- (iv) To bring into notice of District Level Committee constituted under Chinhit Apradh Scheme regarding the reasons of acquittal of accused persons for its consideration.

District Attorney (HQ)

d/c for Director of Prosecution (General), Haryana

Endst. No. AP(7)-2022/ 3757-3759

Dated: 21/07/2022

A copy is forwarded to the following for information, please:-

1. The Additional Chief Secretary to Government of Haryana, Home Department, Haryana, Chandigarh.
2. The Director General of Police, Haryana, Panchkula.
3. The Additional Director General of Police (Crime), Haryana, Panchkula.

District Attorney (HQ)

d/c for Director of Prosecution (General), Haryana

THROUGH E-MAIL/POST

From

The Director of Prosecution (General), Haryana  
Bays No. 9 & 13, Sector-14, Panchkula.

To

All District Attorneys  
posted at District Level  
in the State of Haryana

Memo No. AP (7)-2023/ 1142

Panchkula

Dated 23-02-2023

**Subject:-** Minutes of 18<sup>th</sup> Meeting of State Level Committee regarding 'Gyan  
Aarohi' held under the Chairmanship of Sh. T.V.S.N. Prasad IAS  
Additional Chief Secretary to Government Haryana, Home Department on  
20.12.2022 at 4.00 PM for the months of May, June, July and August  
2022.

Reference to the letter no. 1926-78/CR-2 dated 03.02.2022 received from  
Additional Director General of Police, Crime, Haryana, Panchkula on the subject cited  
above. (copy enclosed)

With regard to Point no. 8-

To get appearance of Doctors, Forensic Experts and Hand writing experts etc  
through Video Conferencing in the Courts:

It is informed that Numerous guidelines has been issued by the Hon'ble Supreme  
Court of India and various High Courts from time to time regarding recording of  
evidence through video conferencing. The law applicable to recording of evidence  
through video conferencing is the same as applicable to recording of evidence in courts  
normally. The Legislature through the Code of Criminal Procedure (Amendment) Act,  
2008 added a proviso to sub-section (1) of 275 Cr.P.C which says, "provided that  
evidence of a witness under this sub-section may also be recorded by audio-video  
electronic means in the presence of the advocate of the person accused of the offence"  
after analyzing the proviso, it can be said that taking evidence of a witness through  
video conferencing is permissible.


In case of "State of Maharashtra versus Dr. Prafuli Desai and Another" 2003  
4 SCC 601 the Hon'ble Apex Court interpreted the meaning of the term "presence of  
the accused" as per Section 272 Cr.P.C which means that the accused may not be  
physically present, evidence may also be taken in the presence of the pleader of  
accused. The Supreme Court also permitted recording of evidence of witnesses staying  
abroad through video conferencing. In this case, the Apex Court interpreted Section  
273 of Cr.P.C in the light of technological advancements. Bench comprising of Justice  
S.N Variava and Justice. B.N Agrawal observed that recording of evidence through  
video conferencing is absolutely legal. Justice Variava further added that "in cases

where the attendance of a witness cannot be procured without an amount of delay expense or inconvenience, the court could consider issuing a commission to record evidence by way of video conferencing"

Further, it is submitted that the Hon'ble Supreme Court has framed model rules on video conferencing and the same has been forwarded by Hon'ble Punjab and Haryana High Court vide memo no 670 Spl/CB 8 dated 21 05 2020 to all District and Session judges in the State of Punjab, Haryana and U T. Chandigarh for conducting judicial proceeding of the courts. (copy enclosed)

As it is duty of the Courts as well as Public Prosecutors to provide speedy trial to the victim and accused therefore, you are directed to request the Courts to not examine the Doctors/ Forensics Experts, Handwriting Experts and other official witnesses etc through Video Conferencing as far as practicable, so that money energy and time of the Government Officials/Officers may be saved and trial of cases also be concluded expeditiously

Further, you are directed to bring this instruction into notice of all Public Prosecutors/ Assistant Public Prosecutors and ensure compliance of same in true letter and spirit.

  
District Attorney (HQ)  
for Director of Prosecution (General), Haryana

Endst. No. AP(7)-2023/ 1143 - 1144

Dated: 23-02-2023

A copy is forwarded to the following for information and necessary action, please

1. The Additional Chief Secretary to Government of Haryana, Home Department, Haryana, Chandigarh.
2. The Additional Director General of Police, Crime, Haryana, Panchkula

  
District Attorney (HQ)  
for Director of Prosecution (General), Haryana

