



# Haryana Government Gazette

## EXTRAORDINARY

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### 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:

- 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.
- 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.