

**HARYANA GOVERNMENT  
HOME DEPARTMENT**

**NOTIFICATION**

Dated: the 2<sup>nd</sup> May, 2024

No. 4/2/2022-2HC.- In order to combat the drug menace as well as in compliance of the order dated 18.04.2024 passed by the Hon'ble Punjab & Haryana High Court in CRM-M-12654-2024 titled as 'Devender Kumar versus State of Haryana'. Further, in continuation of the Government of Haryana instruction issued vide memo No. 4/2/2022-2HC dated 14.09.2022 vide which guidelines have been framed 'listing the roles of various stake holders to ensure expeditious and fair trial in cases registered under Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act')', the State of Haryana hereby in continuation of previous instructions ibid is framing these guidelines for the officers/officials of the Police Department and Prosecution Department dealing with the cases registered under the NDPS Act as under:-

**1. District Level Committee:-**

A District Level Committee is hereby constituted at District Level in offices of the all District Attorneys for the purpose of monitoring and supervising the progress of cases registered under the NDPS Act so that the desired object of the NDPS Act may be achieved. The constitution of District Level Committee shall be as follows:-

(i)	Concerned District Attorney	Chairman
(ii)	Deputy District Attorney (Senior Most)	Member

**Note:**

- a) If District Attorney is unable to attend the meeting of the Committee or post of the District Attorney is vacant senior most Deputy District Attorney will act as a Chairman of the District Level Committee and in absence of senior most Deputy District Attorney or when he is acting as Chairman, Deputy District Attorney next to senior most Deputy District Attorney i.e., second senior Deputy District Attorney, will act as a member of the aforesaid Committee.
- b) If the District Attorney is Public Prosecutor In-charge of the case, then the matter will be sent to the State Level Committee.
- c) If the senior most Deputy District Attorney is Public Prosecutor In-charge of the case, then next to Senior Most Deputy District

Attorney i.e., 2<sup>nd</sup> Senior Deputy District Attorney, will act as a member of the aforesaid Committee.

**2. Role of District Level Committee:-**

- (i) The aforesaid District Level Committee will hold the meeting at least once in every month.
- (ii) The aforesaid District Level Committee will review the progress of cases registered under NDPS Act, to decide further course of action where bail has been filled/granted to the accused or accused has been acquitted and recommend the action to the Competent Authority against erring officers/officials of the Police Department or Prosecution Department, as the case may be.
- (iii) The aforesaid District Level Committee will submit its report to the State Level Committee within one week from the date on which meeting was held.

**3. Role of the officers/officials of Police Department and Prosecution Department in the Bail matters of NDPS Act cases involving Commercial Quantity:-**

- (i) After receiving the copy of bail application filed by the accused/accused persons, the concerned Public Prosecutor shall forward the copy of the bail application to the concerned Police Station through Naib Court attached with the court, for the purpose of filing the reply in the concerned Court, without any delay.
- (ii) The concerned Police Officer/Official shall ensure that the reply to the bail application shall contain all factual position, particulars of previous cases against the accused/accused persons and filing of previous Bail Applications or pending applications properly qua every accused.
- (iii) The concerned SHO/In-charge of Police Station shall ensure that reply of the Bail Application shall be sent to concerned Public Prosecutor before the Ld. Court at least one day prior to the date fixed in the Bail Application.
- (iv) In case, where the Learned Court has granted the bail to the accused in the NDPS Act cases involving Commercial quantity, the copy of order shall be applied by the concerned Public Prosecutor through Naib Court without any delay.
- (v) After receiving the copy of aforesaid order, the concerned Naib Court shall put up the same before the concerned Public Prosecutor and the same shall be examined by the concerned Public Prosecutor, who appeared and opposed the bail, as to

- whether the bail order is fit for challenging before the competent court of law for cancellation of bail of the accused or not.
- (vi) After examination, the concerned Public Prosecutor shall submit his opinion to the Committee within three (3) working days from the date of receiving of copy of bail order. However, if due to inevitable circumstances it is not possible to opine within such period, such opinion shall be tendered as soon as possible, keeping in view spirit of these guidelines.
  - (vii) The District Level Committee shall examine the opinion of the concerned Public Prosecutor as to whether the bail order is fit for challenging before the competent court of law for cancellation of bail of the accused or not within ten (10) working days from the date of receiving of opinion from the concerned Public Prosecutor. However, if due to inevitable circumstances, it is not possible to examine the opinion of concerned Public Prosecutor within such stipulated period, such opinion shall be examined as soon as possible from the date of receiving of copy of bail order, keeping in view spirit of these guidelines.
  - (viii) The aforesaid District Level Committee shall also examine whether the bail is not granted to the accused due to the lapse or negligence on the part of any Officer/Official of the Police Department or Prosecution Department, as the case may be and send the report to the concerned competent authority to take action against the erring officer.
  - (ix) The copy of opinion of the District Level Committee and concerned Public Prosecutor shall be sent by the Committee to the State Level Committee as well as to the concerned Commissioner of Police/Deputy Commissioner of Police/Superintendent of Police, as the case may be, for further necessary action under intimation to the Directorate of Prosecution, Haryana and concerned District Magistrate.
  - (x) After receiving of the copy of the opinion of the District Level Committee by the office of concerned Commissioner of Police, Deputy Commissioner of Police, Superintendent of Police, as the case may be, he shall depute an officer/official to pursue the matter with the concerned District Attorney, District Magistrate as well as Learned Advocate General, Haryana for completing of all formalities for filing the petition for cancellation of bail.

4. **Role of the Public Prosecutor/Assistant Public Prosecutor during Challan Checking:-**

After receiving of the final Police Report under section 173(2) or 173(8) Cr.P.C. (Police Challan), as the case may be, the same shall be entered by the concerned Clerk/official of the office of District Attorney in the Challan Checking Register maintained by the office of District Attorney strictly as per SOP/Instructions issued by the Government from time to time in this regard.

**5. Role of Public Prosecutor/Assistant Public Prosecutor during the trial:**

- (i) The concerned Public Prosecutor/Assistant Public Prosecutor is required to examine all necessary prosecution witnesses in order to prove the prosecution case.
- (ii) The concerned Public Prosecutor/Assistant Public Prosecutor is required to make necessary correspondence with the concerned Superintendent of Police for ensuring the presence of witnesses, as and when required.
- (iii) The concerned Public Prosecutor/Assistant Public Prosecutor shall perform his/her 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.
- (iv) The concerned Public Prosecutor/Assistant Public Prosecutor shall perform their role and duties mentioned in the policy issued by the Haryana Government vide Notification No. 4/2/2022-2HC dated 14.09.2022 for ensuring the expeditious and fair trial in cases registered under Narcotics Drugs and Psychotropic Substance Act, 1985.

**6. Role of Public Prosecutor/Assistant Public Prosecutor after completion of Trial:-**

- (i) After the completion of trial, the concerned Naib Court shall apply for the certified copy of judgment, evidence(s), statement(s) and exhibit(s) without any delay.
- (ii) After receipt of the certified copy of the judgment, the concerned Naib court shall put up the same before concerned Public Prosecutor/Assistant Public Prosecutor for his opinion/further necessary action.
- (iii) The concerned Public Prosecutor/Assistant Public Prosecutor shall examine the ibid record including judgment/order as to whether the judgment passed by the Learned Trial Court is fit for

filing appeal before the competent court of law or not and put the same before the concerned District Level Committee alongwith all the documents including the evidence, statements and exhibits, certified copy of judgment/order etc.

- (iv) The District Level Committee shall examine as to whether the judgment passed by the Learned Trial Court is fit for filing Appeal before the competent court of law or not.
- (v) The copy of opinion of the District Level Committee and concerned Public Prosecutor shall be sent by the District Level Committee to the concerned Commissioner of Police, Deputy Commissioner of Police, Superintendent of Police, as the case may be, for further necessary action alongwith all the documents including the evidence, statements and exhibits, certified copy of judgment/order etc., under intimation to the concerned District Magistrate, who shall take the decision and further necessary action as per Clause 9.2, Chapter-9 of the Law & Legislative Department Manual, which is notified by the Haryana Government vide its Notification No.4167-Pub.(12)A/2018 dated 23.07.2019, which is reproduced below for ready reference:-

***“No.4167-Pub.(12)A/2018- The Governor of Haryana hereby makes the following instructions further to amend the Law & Legislative Department Manual, namely:-***

***1. (1) These instructions may be called the Law and Legislative Department Manual (Amendment) Instructions, 2018.***

***(2) These shall come into force from the date of publication in the Official Gazette.***

***2. In the Law and Legislative Department Manual, in Chapter-9,***

***(i) for Clause 9.2, the following clause shall be substituted, namely:-***

***“9.2 When it is decided to recommend an appeal against acquittal or an application for revision on behalf of the State, in case where such appeal or application is to be filed before the Court of Session, the proposal shall be submitted by the District Attorney to the District Magistrate. The concerned District Magistrate shall be competent to take decision without forwarding them to the Advocate General, Legal Remembrancer and the Government and in the cases which are decided by the Court of Sessions, the District Magistrate will forward them with a memorandum of the***

*case prepared by the Public Prosecutor to the Advocate General, who shall transmit them to the Government after recording his opinion. Such proposal shall always be accompanied by the judicial files and an attested copy of the judgment/order which is sought to be set aside or modified and also by full statement of reasons for the application”*

(ii) *for clause 9.6, the following clause shall be substituted namely:-*

*“9.6. The Advocate General invariably shall forward a copy of the judgment of the State cases, decided by the High Court with his opinion, whether further appeal/revision is to be filed or not, to the Government.”*

- (vi) The aforesaid District Level Committee shall send its separate report to the State Level Committee on the following points:-
- a) Whether the acquittal has resulted due to the lapse or negligence on the part of the officers/officials of Police Department or Prosecution Department, as the case may be or not. If yes, then recommend the appropriate action against erring officers/officials.
  - b) The committee shall also suggest the remedial measures to avoid such lapses or negligence in future.

**7. State Level Committee:-**

The constitution of State Level Committee shall be as follows:

(i)	Additional Director of Prosecution (NDPS & Cyber Crime) / Additional Director of Prosecution (HQ.) [in absence of Additional Director of Prosecution (NDPS & Cyber Crime) /Additional Director of Prosecution (HQ.), District Attorney (HQ.), O/o Director Prosecution (General), Haryana will act as Chairman]	Chairman
(ii)	District Attorney (HQ.)	Member
(iii)	Deputy District Attorney (HQ.)	Member

Administrative Officer (HQ.) shall provide Ministerial Assistance to the State Level Committee

**8. Role of State Level Committee:-**

- (i) State Level Committee will examine the reports received from the District Level Committee regarding filing/non-filing application/petition for challenging the order of Trial Court or lapses on the part of officers/officials of the Police Department & Prosecution Department, as the case may be

- (ii) The State Level Committee will recommend to concerned Commissioner of Police, Deputy Commissioner of Police, Superintendent of Police or the Director of Prosecution, Haryana for taking appropriate action against erring officer/official of the Police Department/Prosecution Department, as the case may be, in appropriate cases.
- (iii) The State Level Committee will also suggest remedial measures suggested for avoiding such lapse or negligence in future.
- (iv) The State Level Committee shall hold a meeting at least once in every two months.
- (v) The Secretary Home/Special Secretary Home shall examine the report of District Level Committee as well as of State Level Committee.
- (vi) If the Director of Prosecution (General), Haryana is satisfied that no action is required in the matter, he will file the same. However, in case, he is of view that there is lapse or negligence on the part of officer/official of the Police Department or Prosecution Department in the matter, then he shall take appropriate action against the erring officer/official, if he is competent authority for the same and in other cases, he shall send his proposal to the competent authority for taking appropriate action against the erring officer/official.

**9. Clarification:-**

In case of any doubt, the Additional Chief Secretary to Government of Haryana, Home Department shall be the competent authority to clarify the same

**10. Compliance and Responsibility:-**

This policy has been framed by the State Government to ensure that all the Police Officers/officials and Public Prosecutors/Assistant Public Prosecutors shall make all out efforts to achieve desired object of the NDPS Act. If any Police Officers/official or Law Officer (District Attorney/Deputy District Attorney/Assistant District Attorney) is found negligent while discharging his duties or face any difficulty in discharging of his duties, the same shall be brought into the notice of the competent authority for further necessary action. Any defaulting officer/official shall be dealt with as per respective departmental services rules.

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

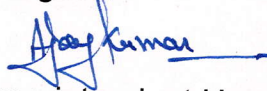
Endst. No. 4/2/2022-2HC

Dated, Chandigarh, the 02.05.2024

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

1. The Director General of Police, Haryana, Panchkula.
2. The Director General, Prisons, Haryana, Panchkula.
3. The Additional Director General of Police, CID, Haryana, Panchkula.
4. The Additional Director General of Police, Law & Order, Haryana, Panchkula.
5. The Additional Director General of Police, Crime, Haryana, Panchkula.
6. The Director of Prosecution, Haryana Panchkula.
7. The Director, FSL, Haryana, Madhuban, Karnal.
8. All DMs/DCs in State (through E-Mail)
9. Commissioners of Police, Gurugram, Faridabad and Panchkula (Through E-Mail).
10. All SSsP/SsP in the State (through E-Mail).
11. All District Attorneys in the State (Through Director, Prosecution, Haryana).
12. All Deputy Superintendents/Superintendents Jails in the State (through Director General, Prisons, Haryana).

You are hereby directed to issue necessary directions to concerned officers/officials under your control to comply with the guidelines in letter and spirit. This Notification may be uploaded on the website of your department. This Notification is also available on website of Home Department, Haryana i.e. <https://homeharyana.gov.in>



Superintendent Home (C)  
for Additional Chief Secretary to Government  
Haryana, Home Department.

**C.C. to:**

IT Cell, Home Department, Haryana, Chandigarh.