

No. 16/1/2025-3HC
HARYANA GOVERNMENT
HOME DEPARTMENT
ORDER

The 04th March, 2025

Whereas, section 302 of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita) empowers a Criminal Court to make an order requiring the officer in charge of the prison to produce a person before the Court for answering to a charge or for the purpose of a proceeding or for giving evidence in the course of an inquiry, trial or proceeding under the Suraksha Sanhita.

And whereas, sub-section (1) of section 303 of the Suraksha Sanhita empowers the State Government to direct by a general or special order, that any person or class of persons shall not be removed from the prison in which he or they may be confined or detained, and no order under section 302, whether before or after the order of the State Government, shall have effect in respect of such person or class of persons.

And whereas, before making an order under sub-section (2) of section 303 of the Suraksha Sanhita, the State Government, shall have regard to the following matters, namely:—

- (a) the nature of the offence for which, or the grounds on which, the person or class of persons has been ordered to be confined or detained in prison;
- (b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;
- (c) the public interest, generally.

And whereas, in recent past, incidents have been reported in the State of Haryana in which the prisoners have attempted to escape from police custody with the help of their accomplices by attacking the police personnel during their transportation from prison to the Court and vice versa. In some cases, they themselves were attacked by the rival gangs during their journey. It has been observed that in almost all such cases fire arms were used by criminals at public places, including court complexes, in full public view, thereby invoking fear in the mind of common citizens and causing disturbance to public order. It has also been observed that prisoners involved in such violent incidents are mainly accused of heinous offences such as organised crimes, terrorist acts, murder, attempt to murder, robbery, dacoity, offences against the State among others.

And whereas, in view of the above facts, the Governor of Haryana is satisfied that a certain class of persons, confined or detained in a prison in the State should not be removed from the prison in which they are confined or detained.

And now, therefore, in view of the reasons recorded above and in exercise of powers conferred under sub-section (1) of section 303 of the Suraksha Sanhita, the Governor of Haryana is pleased to order that the persons accused of the following offences shall not be removed from the prison in which they are confined or detained and no order made under section 302, whether before or after this order, shall have effect in respect of these persons:

- I. Unlawful Activities (Prevention) Act, 1967 (UAPA) and National Security Act, 1980 (NSA).
- II. Organised crimes (section 111, BNS) or terrorist acts (section 113, BNS)
- III. Two or more cases of murder (section 302 IPC/103 BNS) or attempt to murder (section 307 IPC/109 BNS)
- IV. Two or more cases of commercial quantity under NDPS Act, 1985
- V. Five or more cases of robbery/dacoity/extortion (sections 308/309/310/311/312/313 BNS or corresponding IPC Sections)

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- VI. Offences against State (sections 147/152/160 BNS or corresponding IPC Sections)
- VII. Escape from custody (section 224 IPC/262 BNS)
- VIII. Two or more cases of Kidnapping or abduction with the intent to murder or for ransom (sections 140(1)/140(2) BNS or corresponding sections of IPC)
- IX. Two or more cases under sections 25(6)/25(7)/25(8)/27(2)/27(3) Arms Act, 1959.
- X. Two or more cases of offences against public servants (sections 121/132/195/221 BNS or corresponding sections of IPC)

Any accused person falling in above categories shall invariably be produced before the Court by the concerned Superintendent of Prison through video conferencing.

Dated, Chandigarh
The 04th March, 2025

Dr. Sumita Misra, IAS,
Additional Chief Secretary to Government, Haryana,
Home Department.

Endst. No. 16/1/2025-3HC

Dated Chandigarh, the 04.03.2025

A copy is forwarded to the followings with the request to convey this to all concerned officers/officials under their control please:-

1. The Registrar General, Hon'ble Punjab & Haryana High Court, Chandigarh.
2. The Director General of Prisons, Haryana, Panchkula.
3. The Director General of Police, Haryana, Panchkula.
4. The Director, Prosecution (General), Haryana, Panchkula.


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