

**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 registerec under Narcotic Drugs and Psychotropic Substance Act, 1985. (hereinafter referred as NDPS Act). These are as under:-

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

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

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>

  
14/9/2022

Superintendent Home/(C)

for Additional Chief Secretary

to Government Haryana, Home Department

W.S.M.

C.C. to:-

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





# 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)<br>(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<br>(Law & Order)                                | Chairman         |
| (ii)  | Additional Director (HQ)/ District Attorney (HQ)<br>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.