

ITEM NO.108

COURT NO.12

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 293/2019

JAI BHAGWAN & ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

IA No. 104460/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 150262/2019 - EXEMPTION FROM FILING O.T.

WITH

W.P.(Cr1.) No. 269/2020 (X)

FOR ADMISSION and IA No.91130/2020-EXEMPTION FROM FILING O.T.

Date : 16-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Nikhil Jain, AOR

Mr. Colin Gonsalves, Sr. Adv.

Mr. Nayab Gouhar, Adv.

Mr. Satya Mitra, AOR

For Respondent(s) Mr. Akshay Amritanshu, AOR

Mr. Samyak Jain, Adv.

Ms. Drishti Saraf, Adv.

Ms. Pragya Upadhyay, Adv.

Mr. Vikramjeet Banerjee, ASG

Mr. Mukesh Kumar Maroria, AOR

Mr. Rajesh Kr. Singh, Adv.

Mr. Rajan Kr. Chourasia, Adv.

Mr. Vatsal Joshi, Adv.

Mr. Madhav Sinhal, Adv.

Mr. Chitvan Singhal, Adv.

Mr. Anuj Srinivas Udupa, Adv.

Mr. Narendra Hooda, Sr. Adv.

Mr. Susheel Tomar, Adv.

Mr. Sanjeev Malhotra, AOR

UPON hearing the counsel the Court made the following
O R D E R

On the last occasion when the matter was taken up for hearing on 14.05.2024, the following order was passed:

“Issue rule.

Learned counsel appearing for the State submits that normalcy is prevailing for quite some time. Mr. Chetan Sharma, Deputy AG, Haryana with Mr. Ravinder Singh Sangwan, DY. SP, Hansi, are also present in Court and acknowledge the aforesaid factual scenario.

Learned counsel also submitted that the State is in agreement for investigation taken over by Shri Vikram Chand Goyal, Former DGP, 1975 UP, and Mr. Kamendra Prasad, Former DGP, 1981 UP.

The aforesaid statement stands recorded.

List on 16.10.2024.

Liberty is granted to the parties to make a mention as and when necessity arises.”

Though learned counsel appearing for the State and learned senior counsel representing the other side submitted that there is no untoward incident and normalcy is prevailing, learned counsel appearing for the petitioner placed reliance upon

the following passage in the status report filed on behalf of the petitioner:

“Chargesheet dated 20.08.17 was filed. No arrests was made. In the chargesheet 6 out of 7 accused persons were given a clean chit by the Haryana Police and they were not made accused persons. The complaint to the police by the dalit victims was signed by 28 victims but the police made one person as a PW. This person selected by the police is shown as giving a 161 statement to the police which was virtually blank and makes no mention of the social boycott. Further 4 members of the dominant community who were hostile to the dalits were made Pws. Not a Single Scheduled Caste certificate of the 28 victims who had made the complaint of social boycott was taken by the police and submitted in the Court along with the chargesheet. The videos given to the police by the victim community showing the call of the social boycott by the dominant community in a public meeting was not mentioned in the chargesheet or produced in court. Sanction for prosecution under 153A and 505 IPC not taken by the police. Only after objection was taken by the

complainants was sanction taken belatedly.

Trial yet to begin."

Be that as it may, we request Shri Vikram Chand Goyal, Former DGP, 1975 UP and Mr. Kamendra Prasad, Former DGP, 1981 UP to make an independent investigation on the prevailing situation and file a status report before this Court so as to enable us to proceed further in this case.

The status report is to be filed within three months. The report shall also indicate not only the present situation but also the measures, if any, required to be taken.

We make it clear that there is no bar for the pending trial to proceed.

Needless to state, the State shall extend all logistic support including the expenses.

List after three months.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR CUM PS

(POONAM VAID)
COURT MASTER (NSH)