

107

CWP-PIL-29-2021 (O&M)
COURT ON ITS OWN MOTION
V/S
STATE OF PUNJAB AND OTHERS

Present: Mr. R.S. Khosla, Amicus Curiae with
Ms. Bharti Pujara, Advocate.

Mr. Gaurav Garg Dhuriwala, Addl. AG, Punjab.

Ms. Rajni Gupta, Addl. AG, Haryana.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Dheeraj Jain, Sr. Counsel, Govt. of India,
for Income Tax Department and Enforcement Directorate.

Mr. J.S. Toor, APP for respondent No.4.

Mr. Rajeev Anand, Advocate, for CBI.

Mr. Pankaj Bains, Advocate
for the applicant (in CM-78-CWP-PIL-2022).

In pursuance to the order passed by this Court on 29.09.2022, status reports have been filed by the CBI, State of Haryana, State of Punjab and Union Territory of Chandigarh. The progress, as has been sought to be projected in these affidavits, which are termed as status reports, are not upto the expectation and the assurance which was given by the counsel representing the Investigating Agencies and the States. Some movement is there in the name of the progress as has been sought to be asserted, but the intent and purpose for which the monitoring is being carried out by this Court is not only lacking but missing. Something needs to be done as far as the investigation of the matters is concerned. We are not referring to any specific case for now but as has been pointed out by the counsel and we have responded with the assistance of the learned Amicus Curiae, a lot needs to be done. After the completion of the investigation, it appears that the prosecution virtually is shaking of its hands as the focus on the status reports appears to be limited up to the extent of completion of investigation, but that should not be the purpose, for which when investigation is completed, should be left to the Courts to

proceed with the matter. No doubt, after that the proceedings are monitored and conducted by the Court but non-appearance of the witnesses has been pointed out and observed to be a major course of delay in the trial. We would expect that the Director General of Police and Heads of the Departments of the Investigating Agencies give equal thought and importance to the trial as well. Officials and witnesses when called to appear as witnesses must be bound down to appear in Courts giving it a priority over other duties and responsibilities which they have to perform. Delaying the trial results in loss of not only the public time apart from the Courts time, but also gives an opportunity to the accused to win-over the witnesses at times. That may be a cause of concern, because the process of investigation if completed with sincerity loses its relevance when the cases are to be tried. Even the accused has to suffer because of delay as he continues to be having that stigma of an accused in the process till the final order is passed by the Court, either convicting or acquitting him. We, therefore, want the Director General of Police Haryana, Punjab and UT, Chandigarh apart from the Directors of the Investigating Agencies to file affidavits spelling out the steps being taken and the progress, if any, in pursuance thereto, not only to expedite the investigation process including inclusion of scientific methods but also for expediting the trial and ensuring the appearance of not only the official witnesses but other prosecution witnesses as well. The said affidavits be filed within a period of four weeks from today with advance copy to the learned Amicus Curiae.

List on 19.01.2023 for consideration.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 6th, 2022
rekha sharma

(VIKRAM AGGARWAL)
JUDGE