

ITEM NO.6

COURT NO.3

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).16830/2024

[Arising out of impugned final judgment and order dated 09-04-2024 in BA No.274/2024 passed by the High Court of Uttarakhand at Nainital]

GURVEER SINGH ALIAS GARRY

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND

Respondent(s)

Date : 03-04-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Gaurav Agrawal, Sr. Adv.
Mr. Siddhesh Shirish Kotwal, AOR
Mr. Tejasvi Gupta, Adv.

For Respondent(s) :Ms. Tulika Mukherjee, AOR
Mr. Kumar Anurag Singh, Adv.
Mr. Dev Aaryan, Adv.
Mr. Beenu Sharma, Adv.

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

1. The IInd Additional District & Sessions Judge, Rudrapur, District Udham Singh Nagar, Uttarakhand has sent a status report re: follow-up action pursuant to the order dated 21.02.2025. It is explained that one of the accused - Amandeep Singh @ Aman is still absent, has been declared absconding, and his trial has been segregated.

2. However, what is disturbing from the report is that the complainant-Narendra Singh was summoned to depose on 03.03.2025,

but he remained absent, despite service.ailable warrants were issued to him for 17.03.2025, which could not be executed. The Court then on that date examined some formal witnesses and issued freshailable warrants for securing the presence of Narendra Singh, while summons were issued on some other witnesses for 24.03.2025. Shockingly, even though theailable warrants were executed and summons were served on the witnesses, including Narendra Singh (complainant) and Maninder Singh (one of the eye-witnesses), both of them did not turn-up on the date fixed.

3. We do not want to indulge in any enquiry at this stage as to whether the complainant and the alleged eye-witness have been influenced by the accused or if they are deliberately indulging to prolong the trial.

4. What we deem appropriate to direct, in the interest of administration of the criminal justice system, is that, non-ailable warrants be issued and both Narendra Singh and Maninder Singh, be kept in judicial custody till their cross-examination is complete.

5. We direct the Director General of Police, Uttarakhand and the Superintendent of Police, Udham Singh Nagar to take immediate action, failing which, we will be constrained to take a serious view of the matter. The Trial Court and the High Court shall not release these witnesses on bail till their depositions are complete. The needful shall be done within two weeks. A compliance report, in this regard, be submitted.

6. Meanwhile, the Trial Court shall continue to examine the witnesses on weekly basis and the statements of the remaining eye-

witnesses be recorded at the earliest. A separate compliance report in this regard shall also be submitted.

7. Post the matter on 08.05.2025.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR