

Order No.82/RG/Spl/Misc. Dated 22.04.2021

O R D E R

RE: Situation arising due to outbreak of the novel coronavirus (COVID-19)

Keeping in view the prevailing situation due to outbreak of the novel coronavirus (COVID-19) and recent surge of Covid-19 cases in the States of Punjab, Haryana and UT Chandigarh; in order to ensure the safety of the Hon'ble Judges, Advocates, Staff and litigants, the Hon'ble Administrative Committee has resolved that w.e.f. 23.04.2021, the following arrangement shall be put into operation for the time being on the court working days of the High Court:-

1. **All types of cases (whether freshly instituted or pending)**, in which there is urgency, shall be entertained by the High Court for listing. However, the urgency shall be determined (except the categories exempted from mentioning here-in-below) by the nominated Bench on mentioning to be made through 'Online mentioning' web-portal available on the website of High Court.

2. **Matters not Requiring Mentioning**

(a) In the following category of cases, there will be no requirement of mentioning for listing of the cases:-

- (i) First Anticipatory Bail Applications U/s 438 Cr.P.C.,
- (ii) First Regular Bail Applications U/s 439 Cr.P.C.,
- (iii) First Applications for Suspension of Sentence in Criminal Appeals and Criminal Revisions,
- (iv) Criminal Writ Petitions

The said cases can be filed directly in the DRR Branch and they will be listed in due course.

It is made clear that if application for suspension of sentence is being filed along with fresh criminal appeal or criminal revision, it will be entertained by the DRR Branch directly.

3. **Matters Requiring Mentioning**

In case of PILs, Civil Writ Petitions, Civil matters and other Criminal Matters (not described in Para No.2 above) whether freshly instituted or pending, the petitioner/party shall be permitted to file the petition/application only after mentioning is allowed.

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4. Timings of Mentioning

The mentioning request showing the urgency shall be made only through 'Online mentioning' web-portal available on the website of High Court from 8.00 a.m. to 9.30 a.m. on the court working day. No request for mentioning through other mode shall be entertained.

5. In the following circumstances the request for mentioning may be straightway declined without considering the same on its merits:-

- (i) Incomplete/Incorrect Particulars/false disclosure during mentioning
- (ii) Non supplying the complete legible copy (including Annexures) to the official respondents
- (iii) Not selecting the correct fields of the cases

6. Result of Mentioning

- i. The result of request for mentioning can be checked by the learned counsel/party from the 'Online mentioning' web-portal available on the website of High Court.
- ii. The result of the request having been accepted or rejected, shall also be intimated through the auto-generated SMS on the mobile phone number of the Id. Advocate provided in the mentioning request.

However, in case of any technical lapse, it will be responsibility of the learned advocate to check the same himself from the 'Online mentioning' web-portal available on the website of High Court.

7. Request Declined

Once the mentioning request has been declined, no further mentioning request in the same matter by the same advocate or other advocate or the party shall be entertained during the period of next four weeks. No query pertaining to declining the request of mentioning shall be entertained on telephone or by any other mode. For other enquiries, the request will be entertained only through the Help-Line numbers already published on website vide Order No.15/RG/Spl/Misc. dated 05.05.2020.

8. Urgent Filing and listing of cases

- (i) In case of Anticipatory Bail Applications U/s 438 Cr.P.C. /Regular Bails U/s 439 Cr.P.C./Suspension of Sentence in Criminal Appeals and Criminal Revisions/Protection Matters pertaining run away Couples and

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the all other cases in which the mentioning has been accepted without any date, the Counsel/party can file the paper-book in the DRR Branch from 10.00 a.m. to 04.00 p.m. on the court working day.

- (ii) In case of e-filed cases, the counsel shall be required to file the paper-book of the complete case before listing of the case from 10.00 a.m. to 04.00 p.m. on the court working day.
- (iii) At the time of filing the original paperbook, the counsel/party shall be required to file the proof of the copy (which shall include the copy of e-mail) having been supplied to the official respondents.
- (iv) The '*mentioning Id and the date for which the mentioning has been accepted*', if any, should be provided below the index of the petition.
- (v) In case a request is accepted for the same day, the counsel shall be required to file the case complete in all respects after removing objections, if any, by 11.30 a.m. positively. If the case is not filed upto 11.30 a.m. or objections are not removed upto 11.30 a.m., the case will be listed on the next court working day.
- (vi) If the request is accepted for next court working day, the counsel will be required to file the case complete in all respects after removing objections, if any, by 2.00 p.m. If the case is not filed complete or objections are not removed upto 2.00 p.m., the case will be listed as per routine procedure.
- (vii) In case of Anticipatory Bail Applications U/s 438 Cr.P.C. /Regular Bails U/s 439 Cr.P.C./Suspension of Sentence in Criminal Appeals and Criminal Revisions/Protection Matters pertaining run away Couples and all the other cases in which the mentioning has been accepted without any date and are filed complete in all respects upto 12.00 noon will be listed after gap of one day and the cases filed after 12.00 noon till 4.00 p.m. will be listed after gap of two days.

However, this will be subject to maximum number of cases that can be taken up in one day. In case the number exceeds, then said cases will be listed on the next Court working day or as early as possible.

- (viii) Regular Bails will be listed after one week i.e. applications filed on Monday will be listed on the next Monday and the applications filed on Friday will be listed on next Friday. The cases will be listed in the

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Ordinary List. In the meanwhile, the notice of the same will be issued to the State concerned.

Similarly, the applications for Suspension of Sentence will be listed after gap of 15 days as per prevalent practice.

- (ix) The subsequent bail applications by the same accused in the same FIR will be listed before the same Bench as per availability on the given date even if the mentioning has been accepted for a particular day.

9. Ordinary filing and listing of cases

- (i) All Types of cases of category including the Writ Petitions, in which there is no urgency, can be filed as 'Ordinary' on the Ordinary counter after generating the 'Token Number' from the 'Ordinary Filing Token' web-portal already available on the website of the High Court.
- (ii) 'Time of filing the case' and 'Counter Number' will be provided in the 'Token Number Receipt'. The learned Advocates/Parties-in-person/Clerk of Advocates are directed to kindly adhere to the allotted time schedule.
- (iii) The offices of learned Advocate Generals of the States of Punjab and Haryana, Additional Solicitor General/Standing Counsels of Union of India and Senior Standing Counsel/Standing Counsels & Public Prosecutor/Additional Public Prosecutor for U.T. Chandigarh need not require to generate the token number and they can file their ordinary cases of States of Punjab, Haryana, Union of India and UT Chandigarh respectively directly at the Ordinary Counters.
- (iv) The learned Advocates/Parties-in-person shall immediately move from the place after their case file is received for filing at the counter by the filing clerk.
- (v) The scrutiny of the Ordinary filed cases, their registrations or objections shall be notified only after resumption of normal working of the court and no request for mentioning in the said cases shall be entertained for listing of the said matter in urgent hearing for the time being.

10. Mode of Hearing of the Cases

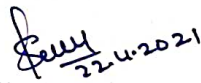
- (i) The hearing of the cases shall be conducted through video conferencing only for the time being, through the approved software or the platform. However, in case of technical failure of any of the platforms, the hearing may be conducted through 'whatsapp' or 'google duo' video calling as per the convenience of the Hon'ble Bench hearing the matter. The

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joining and disconnecting of the Video-conference/video-calling shall be at the end of Hon'ble High Court only.

- (ii) The concerned Advocate/Litigant shall ensure that the Room from where he/she intends to appear before the Court through Video conferencing or Video call is free from all source of disturbances like external noises, poor lighting, improper acoustics. It shall be ensured that judicial proceedings are conducted with taken courtesies and protocol as are being observed during judicial proceedings in the Court. No other person except the advocate/litigant shall be allowed in the Room from where litigant/advocate is appearing through video-conferencing/video-call facility.
- (iii) The Hon'ble Judges shall conduct the video-conference from their court room/Chamber/residence and the Id. Counsel/party/Advocate General etc. shall be joined for the video-conference/video-calling from his place.
11. The advocates/ advocates-clerks/law interns/general public shall not be permitted inside the High Court building.
12. All the Officers/Officials attending the office shall ensure proper implementation of Government Advisories. They shall compulsorily use the masks and hand sanitizer. The High Court Building will be sanitized regularly. Any Officers/Officials showing the symptoms of high fever/cold /cough /sneezing etc. should not be asked to attend the office.

BY ORDER OF HON'BLE THE CHIEF JUSTICE.


(Sanjiv Berry)
Registrar General
22.04.2021