

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**Crl. Misc. No. M-10122 of 2014
Date of decision :- 08.01.2015**

Poonam Singla

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. R.P.S. Sidhu, Assistant Advocate General, Punjab
for the State.

Mr. J.P.S. Chadha, Advocate
for respondent Nos. 3 to 5.

Mehinder Singh Sullar, J. (Oral)

The contour of the facts and material, which needs a necessary mention, for the limited purpose of deciding the core controversy involved in the instant petition and emanating from the record is that, initially in the wake of complaint of petitioner-complainant Poonam Singla (for brevity 'the complainant'), a criminal case was registered against her husband Dr. Arvind Singla son of Raj Kumar Singla (respondent No.2) and others accused (respondent Nos.3 to 5), vide FIR No. 106 dated 05.11.2001 (Annexure P-1), on accusation of having committed the offences punishable under Sections 498-A, 506 and 323 IPC etc., by the police of Police Station Amloh, District Fatehgarh Sahib.

2. After completion of the investigation, the police submitted the final police report (challan) against the accused and now the case is pending in the Court of Judicial Magistrate 1st Class (JMJC) Amloh, for trial.

3. Now the petitioner-complainant has preferred the present petition to transfer the pointed criminal case from the Court of JMJC Amloh to the competent Court at Patiala, invoking the provisions of Section 407 read with Section 482 Cr.P.C, inter alia, levelling a variety of allegations against her husband, which need not to be mentioned, at this stage.

4. The notice of the petition was issued but the learned counsel for contesting respondent Nos.3 to 5 has neither filed any reply nor fairly raised any serious objection in this relevant connection.

5. Otherwise also, having heard the learned counsel for the parties, having gone through the record, with their valuable assistance and after bestowal of thoughts over the entire matter, to my mind, the instant petition deserves to be accepted, for the reasons mentioned hereinbelow.

6. What cannot possibly be disputed here is that at present the petitioner and contesting respondents are residing at Patiala. Not only that, the minor daughter of petitioner and respondent No.2, is suffering from cancerous disease and is under treatment in Patiala. The most of the witnesses who remain to be examined in the trial belong to the district Patiala. Therefore, taking into consideration the totality of the indicated facts and in the special circumstances of the case, to me, it would be expedient, in the interest of both the parties and justice would be sub-served if the present main case is transferred to the Court of competent jurisdiction at Patiala, particularly when, there is no serious opposition of the same on

behalf of the contesting respondents.

7. In the light of aforesaid reasons, the present petition is accepted. The main indicated case registered against the respondents-accused, vide FIR (Annexure P-1) is withdrawn from the Court of JMIC Amloh and is hereby transferred to the Court of the Chief Judicial Magistrate, Patiala for its trial (disposal), in accordance with law. File complete in all respect be sent therein forthwith.

8. At the same time, the parties through their counsel are directed to appear before the transferee Court on 27.01.2015 for further proceedings.

January 08, 2015
naresh.k

(Mehinder Singh Sullar)
Judge