

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24309 of 2014

Date of decision: March 13, 2015

Bawa Thakur

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kiran Bala Jain, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab.

None for respondent No.2.

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Bawa Thakur under Section 407 read with Section 482 Cr.P.C. seeking transfer of case bearing FIR No. 193, dated October 30, 2008, under Sections 307, 326, 324 read with Section 34 IPC registered at Police Station Sultanpur Lodhi, District Kapurthala from Kapurthala to any other place preferably at Chandigarh within the territorial jurisdiction of this Court, which is now been consigned in judicial record room Kapurthala after carrying out the proceedings under Section 82 Cr.P.C.

A perusal of the contents of petition reveals that during the pendency of trial against petitioner, he sustained injuries allegedly at the hands of respondent No.2 as well as his co-accused due to which he remained under treatment at various places including Post Graduate Institute of Medical Education and Research, Sector 12, Chandigarh. Due to threats and apprehension to the life of petitioner at the hands of respondents, he shifted to Panchkula (Haryana) and even could not appear in the case got registered by him bearing FIR No. 66 dated April 11, 2010 in which respondent No.2 has already been acquitted. Though, notice of this petition was given to respondent No.2 but he did not opt to appear and contest

the instant petition.

No doubt, this Court should not normally interfere to transfer the case from one Court to another but in the case in hand there are reasonable apprehensions in the mind of petitioner. Thus, this Court is of the considered view that it would be in the fitness of things that the case should be transferred.

Moreover, it is also pretty settled law that justice should not only be done but it appears to have been done also. Considering, all the circumstances of the case, the case stands transferred from Kapurthala to Chief Judicial Magistrate, SAS Nagar, Mohali. Parties are directed to appear in the Court of Chief Judicial Magistrate, SAS Nagar, Mohali on April 21, 2015. The file be sent to the transferee Court well in time.

March 13, 2015
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(JASPAL SINGH)
JUDGE