

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-29753 of 2013

Date of decision : July 20, 2015

Prabhloch Singh

... Petitioner

vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. O.P. Sharda, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Jaivir Yadav, Advocate
for respondent No.2.

Surinder Gupta, J

The petitioner seeks transfer of case FIR No.147 dated 11.8.2012 registered at Police Station DLF Phase-I, Gurgaon pending in the court of Judicial Magistrate Ist Class, Gurgaon to any court outside Haryana on the ground that the accused had earlier attacked him in April, 2012 and the petitioner is under threat of his elimination by respondent No.2.

Learned counsel for respondent No.2 submits that petition is frivolous and no reasons are made out for transfer of the case. The petitioner is serving at Gurgaon and all the witness in the case are also of that area. Learned State counsel submits that the petitioner has never made any representation that he has any threat to his life.

The police in this case has presented challan for offence punishable under Section 323/341 read with Section 34 IPC and the trial is in progress. The petitioner is a witness in this case. It is not denied that he is working at Gurgaon.

In view of the facts and circumstances discussed above, no reason is made out to transfer the case outside Gurgaon. The petitioner, if apprehends any danger to his life while responding to the summons issued to him by the court to appear and make statement, may approach Commissioner of Police, Gurgaon and seek protection for the day he has to appear as witness. On receipt of such application, Commissioner of Police, Gurgaon will take appropriate action thereon in accordance with law.

Dismissed.

(Surinder Gupta)
Judge

July 20, 2015
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