

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-40117 of 2015

.....

Date of decision:22.12.2015

Rajinder Singh alias Madra and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jasbir Singh, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Harsh Neyol, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 407 read with Section 482 Cr.P.C. praying for transfer of criminal case registered under FIR No.84 dated 19.6.2011 for the offence under Section 420 IPC at Police Station Bassi Pathana from the Court of learned Chief Judicial Magistrate/Illaqa Magistrate, Fatehgarh Sahib to any other Court of competent jurisdiction in the State of Punjab or in U.T., Chandigarh in the interest of justice.

Notice of motion has been issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab

has put in appearance on behalf of the respondent-State and Mr. Harsh Neyol, learned Advocate has appeared for respondent No.2 and contested this petition.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and learned counsel for respondent No.2 and have gone through the record.

At the time of arguments, learned counsel for the petitioners only argued that the criminal trial be transferred to any other District as the complainant in the present case is a practising Advocate and no body is ready to pursue the case on behalf of the present petitioners.

On the other hand, learned counsel for respondent No.2 argued that this is not a ground for transfer of the criminal trial that the complainant is an Advocate. He further argued that in this case challan has been presented in the year 2012 that is more than three years earlier and the Advocate is representing the present petitioners.

From the record, I find that this is no ground for transfer of criminal trial on the ground that the complainant is an Advocate. If this trial is transferred, then it will cause lot of inconvenience to the witnesses including the official witnesses, who are to visit outside place for giving evidence. Further more, there is no law cited by the learned counsel for the petitioners that the case should be transferred where one party is an Advocate. Otherwise also, as stated by the learned counsel for respondent No.2 that the challan has been presented in the year 2012 and since then the

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petitioners have been represented by an Advocate, now there cannot be held any apprehension for the petitioners of any type. Even otherwise, the petitioners can file an application before the Sessions Judge for transfer of this case to any Sub Division of Fatehgarh Sahib. If any, such application is filed before the Sessions Judge, Fatehgarh Sahib, he will decide the same as per law.

With these observations, finding no merit in the present petition, the same is dismissed.

December 22, 2015.

(Inderjit Singh)
Judge

hsp