

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-41354 of 2015

.....

Date of decision:7.12.2015

Kavita

.....Petitioner

v.

State of Haryana and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.A. Sheoran, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. for transfer of case FIR No.70 dated 17.2.2015 registered at Police Station Civil Lines, Bhiwani for the offences under Sections 323, 498-A, 506, 285 and 34 IPC and Section 27 of the Arms Act pending before learned Judicial Magistrate Ist Class, Bhiwani to any other competent Court at Bahadurgarh and Sonapat or any other Court near Delhi.

I have heard learned counsel for the petitioner and have gone through the record.

Learned counsel for the petitioner argued that the petitioner is feeling threat from the private respondents when she along with witnesses will appear before the learned Judicial Magistrate and it will be convenient

to the petitioner if the case is transferred near to her place of residence.

After hearing learned counsel for the petitioner, I find that the only ground for transfer of the case is that there is threat to the life and liberty of the petitioner as well as the private witnesses to appear in the Court as the private respondents gave threats to the petitioner. From the record, I find that it is a criminal case. There are five respondents i.e. who are the accused. If the case is transferred to the place at Bahadurgarh or Sonapat or near Delhi all these five accused are to travel to that place. Five accused also include two ladies so it will be inconvenient to the respondents/accused also. Then again the official witnesses are also to travel to the other place and it will create lot of inconvenience to the official witnesses. The petitioner is to appear in the Court as a witness only once and if she feels any threat to her life and liberty, she can file an application before the learned Judicial Magistrate Ist Class, who will consider the threat perception and can pass appropriate order if necessary for providing protection for that date when the petitioner and private witnesses are to appear.

Therefore, from the above discussion, I do not find any sufficient ground to transfer this case. Hence, finding no merit in this petition, the same is dismissed.

December 7, 2015.

(Inderjit Singh)
Judge

hsp