

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-7037 of 2015

.....

Date of decision:21.12.2015

Sultan Singh and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sajjan Singh Malik, Advocate for Mr. Pawan Attri,
Advocate for the petitioners.

Mr. P.K. Jhanda, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Suryakant Gautam, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. for transfer of Sessions case No.2010/13 titled “State Vs. Sultan and others” in FIR No.482 dated 10.11.2008 registered for the offences under Sections 323, 452, 506, 148 and 149 IPC and Section 27 of the Arms Act at Police Station Model Town, Panipat from the Sessions Court, Panipat to any other place.

Notice of motion has been issued in this case.

Mr. P.K. Jhanda, learned Assistant Advocate General, Haryana has put in appearance on behalf of respondent-State and Mr. Suryakant

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Gautam, learned counsel 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, Haryana and learned counsel for respondent No.2 and have gone through the record. Reply has also been filed in this case on behalf of respondent No.1-State.

At the time of arguments, learned counsel for the petitioners argued that injured Chanderkant is an Advocate by profession and practising in the District Courts at Panipat and the complainant is also an Advocate, who earlier was a Clerk to the injured. It is also stated that the Bar Association has also gone on two days strike to condemn the attack. It is further stated that local Advocates are not appearing on behalf of the petitioners in the said case.

When the learned counsel for respondent No.2 argued that the Advocate is representing the present petitioners, then the learned counsel for the petitioners argued that Senior Advocates are not ready to appear for the petitioners.

It is settled law that the mere fact that Advocate is a party-complainant or injured in a case is no ground for transfer of the case. The Advocate practicing at one place cannot have the influence on the Judicial Officers. Otherwise also, if the present petitioners are feeling that some Advocate has not appeared for them as the complainant and injured are Advocates, they can file an application before the Sessions Court for transfer of the case to Sub Division, where these complainant and injured

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Advocates may not be practising.

Therefore, only on this ground that the injured and the complainant are Advocates is no ground to transfer the case out of Panipat Sessions Division.

Therefore, finding no merit in this petition, the same is dismissed.

However, the petitioners are at liberty to approach the Sessions Court for transfer of the case to Sub Division of Sessions Division, Panipat and the Sessions Judge may decide the application as per law.

December 21, 2015.

(Inderjit Singh)
Judge

hsp