

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.23705 of 2016 (O&M)
Date of decision : 01.09.2016

Harbans Singh

...Petitioner

Versus

Surjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bhupender Singh, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The transfer petition has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') for transfer of criminal complaint No. RBT No.19/19.05.2015 titled as '**Harbans Singh Vs. Surjit Singh and others**' from Fatehgarh Sahib to any other District in the State of Punjab.

2. It is contended that as respondent Nos.1 and 3 are practicing Advocates in the District Court, Fatehgarh Sahib, the petitioner was facing great difficulty in engaging an Advocate there. Though, he had engaged a counsel from Ambala, however, sometimes the said counsel remained busy with his cases at Ambala and could not attend the hearings of the petitioner's case. In these circumstances, for the justice and fair trial, the counsel prays that the case may be transferred from District Fatehgarh Sahib to some other District in the State of Punjab.

3. Heard.

4. Except the statement of the petitioner, the learned counsel has not placed on record any relevant evidence which establishes that respondent Nos.1 and 3 have been interfering in the proceedings of the petitioner's case and causing hindrance in engaging a counsel from Fatehgarh Sahib. There is no specific allegation or instance as to how the advocates are interfering in the course of justice. It ought to be understood that the cases cannot be transferred according to the whims and fancies of any party. The ground taken by the petitioner in this petition for transfer of case from District Fatehgarh Sahib is thus not sustainable in the eyes of law.

5. Accordingly, the transfer petition is dismissed.

01.09.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No