

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

**1. CRM-M No.9053 of 2013 (O&M)
Date of Decision: January 13, 2016**

Baba Darshan Singh and others Petitioner

vs.

State of Punjab and others Respondents

**2. CRM-M No.32833 of 2012 (O&M)
Date of Decision: January 13, 2016**

Court on its own motion Petitioners

vs.

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Mandeep Kaushik, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

Mr. Vikas Sharma, Advocate for respondent No.3.

Mr. Sukhdeep Singh Sandhu, Advocate,
Special PP for CBI.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

This order of mine shall dispose of two connected cases bearing CRM-M Nos.9053 of 2013 and CRM-M No.32833 of 2012.

It comes out that learned Addl. Sessions Judge, Ludhiana, made a reference No.436, dated 29.08.2012 (Annexure P-

18) to this Court for transfer of trial of the case relating to FIR

No.61/8.5.99 under Sections 307, 506, 323, 324, 325, 326, 148 IPC read with Section 149 IPC and Section 25 of the Arms Act, 1959, P.S. Payal, Ludhiana along with complaint titled “Balbir Singh vs Devinder Singh etc.”, S.C. No.5 of 27.07.2005 under Sections 326, 324, 323, 397, 402, 148 IPC read with Section 149 IPC from his court to the court of Special Judge, C.B.I. Court, Punjab, Patiala.

The petitioners Baba Darshan Singh and others filed CRM-M No.9053 of 2013 under Section 482 CR.P.C. for challenging the said reference made by learned Addl. Sessions Judge, Ludhiana. The reference shows that in the order dated 17.01.2002 passed by this Court in CRM No.36088-M of 2001, the investigation of the case was transferred to the C.B.I. Thereafter, C.B.I. presented the supplementary charge sheet against the accused persons under Sections 307, 506, 323, 324, 325, 148 IPC read with Section 149 IPC and Section 25 of the Arms Act. 1959. A private complaint titled as “Balbir Singh vs. Devinder Singh etc.” (Sessions case No.5 of 27.07.2005) filed under Sections 326, 324, 323, 397, 402, 148, 149 IPC between the same parties and pertaining to the same occurrence is also pending.

I have heard learned counsel for the parties and have also carefully gone through the case files.

Under the administrative instructions, this Court vide communication No.15544 Gaz.II(7), dated 11.05.2010 (Annexure P-16) had given direction that all the criminal cases investigated by the C.B.I. are to be tried by learned Special Judge, C.B.I. Court, Punjab, Patiala.

In this case, initially the challan was presented by the police. However, later on the investigation was transferred to the C.B.I. by this Court. The C.B.I. presented the challan before the learned Addl. Sessions Judge, Ludhiana. This Court has been informed that in the said case as well as in the complaint case, the evidence is already complete and both the cases are mature for arguments.

In view of the matter that the said case is investigated by C.B.I., I find merit in the reference made by learned Addl. Sessions Judge, Ludhiana and the case is to be transferred to the court of learned Special Judge, C.B.I. Court, Patiala.

In view of the aforesaid, the reference is accepted and the case pertaining to FIR No.61, dated 08.05.1999, under Sections 307, 506, 323, 324, 325, 326, 148 IPC read with Section 149 IPC and Section 25 of the Arms Act, registered as Police Station Payal, Ludhiana along with supplementary charge-sheet filed by the C.B.I. along with cross complaint titled as "Balbir Singh vs Devinder Singh etc.", S.C. No.5 of 27.07.2005 filed under Sections 326, 324, 323, 397, 402, 148 IPC read with Section 149 IPC along with connected cases are withdrawn from the court of learned Addl. Sessions Judge, Ludhiana and are transferred to the court of learned Special Judge, C.B.I. Court, Punjab, Patiala. It is further directed that the evidence recorded before the learned Addl. Sessions Judge, Ludhiana shall be read into evidence. Learned Special Judge, C.B.I. Court, Punjab, Patiala shall proceed with the case from the stage where it is pending, for the purpose of final disposal. As an upshot of the said

order, CRM-M No.9053 of 2013 stands dismissed and the reference made by learned Addl. Sessions Judge, Ludhiana vide CRM-M No.32883 of 2012 is accepted.

January 13, 2016
sarita

(KULDIP SINGH)
JUDGE