

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-6830 of 2016

.....

Date of decision:25.2.2015

Brij Bhushan

.....Petitioner

v.

State of Haryana and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Munish Bhardwaj, 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 criminal case No.357/12 titled “State Vs. Roshan and others” arising out of FIR No.288 dated 19.3.2010 registered for the offences under Sections 147, 149, 323, 341, 447 and 506 IPC at Police Station Panipat City and pending in the Court of learned Judicial Magistrate Ist Class, Panipat to the Court of learned Judicial Magistrate Ist Class, Chandigarh or learned JMIC, Ambala.

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

At the time of arguments, learned counsel for the petitioner argued that the petitioner is feeling threat to his and his sister's life when

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they will appear as witnesses in the said case.

From the record, I find that the FIR is of 2010. It is admitted by the petitioner that the trial is pending for the last so many years before learned Judicial Magistrate Ist Class, Panipat. The present petitioner along with his sister has to appear only on one date for giving the evidence in this case. If the petitioner is feeling any threat to his or his sister's life from the accused at Panipat, then he can represent to the Superintendent of Police, Panipat, who will take necessary steps to protect the life and liberty of the petitioner and his sister for the date when they are to appear in the Court as witnesses. Only for this reason, no ground is made out for transfer of the case.

However, the petitioner would be at liberty to represent the Superintendent of Police, Panipat for providing security on which date he and his sister is to appear in the Court as witnesses and the Superintendent of Police, Panipat will take necessary steps to protect the life and liberty of the petitioner and his sister.

Disposed of accordingly.

February 25, 2016.

(Inderjit Singh)
Judge

hsp