

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-8384 of 2014(O&M)
Date of Decision: January 18, 2016

Nachhattar Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Bajwa, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Amit Gupta, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 Cr.P.C. for transfer of trial of case FIR No.103 dated 02.06.2013 under Sections 304-A and 279 IPC registered at Police Station City Gurdaspur titled as 'State vs. Nachhattar Singh' pending in the Court of Chief Judicial Magistrate, Gurdaspur to a court of competent jurisdiction within District Amritsar, Tarn Taran or at Sub Division, Ajnala.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

At the time of arguments, the main argument of learned counsel for the petitioner is that in the present case there are two senior practising advocates, who are relatives of deceased and they have good influence on the Court. It is further argued that the counsel, who was engaged by the petitioner from Batala District did not come to the Court when the date for evidence was fixed and the counsel stated that he does not want to appear before the Court in this case and he can engage another counsel. Then, another counsel Sh.Rajiv Bhatia, Advocate, was engaged, who was known to friend of the petitioner. Later on, when above-mentioned senior advocates came to know about the appearance of Rajiv Bhatia in this case, they put pressure on him for withdrawing his power of attorney.

Keeping in view the facts of the present case, I find that it is a criminal trial and the jurisdiction is at Gurdaspur. The mere fact that relatives of the deceased are the practising advocates, is no ground to transfer the case from Gurdaspur to Amrtisar District etc. From the pleading itself, it is clear that Advocates from Batala and then from Gurdaspur were appearing in the case. If at any stage, the petitioner feels that no Advocate appears for him, he can make the request to the trial Court and trial Court will appoint a legal aid counsel for him. There is nothing on the record as to how the senior advocates or their Clerks have influence upon the Court.

In view of the above discussion, I do not find any ground to

transfer this case from Gurdaspur District to Amritsar District etc.

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

January 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE