

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-822-2016

Date of decision: January 12, 2016

Kavita and another

.... Petitioners..

Versus

State of Haryana and another

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jarnail Singh Saneta, Advocate,
for the petitioners.

Jaspal Singh, J.

Through this petition moved under Section 407 read with Section 482 of the Code of Criminal Procedure, petitioners have sought the transfer of Criminal Case No. 424-1/16.03.2012/06.06.2012 titled as “***State vs. Tushar***”, in FIR No. 21, dated 27.01.2012, under Sections 279, 337 and 304-A IPC, Police Station Sadar Dabwali, District Sirsa, registered against Tushar (respondent No.2), pending in the Court of Ld. JMFC, Dabwali, District Sirsa.

2. The contention of learned counsel for the petitioners is that petitioners are the residents of District Jhajjar and petitioner No.1 is residing in the area of District Panipat. The FIR in question was registered against respondent No.2 and trial is now pending in the Court of Judicial Magistrate First Class Dabwali. The petitioners are not in a position to pursue the case properly as respondent No.2 is an influential

person and one Kuldeep Bambu of village Abubshahar, who is maternal nephew of late Chief Minister Choudhary Devi Lal is related to accused Tushar-respondent No.2. Learned counsel for the petitioners further contends that the petitioners are residing at a distance of 200 kilometers away from Dabwali where the case is pending disposal and it is difficult for a young widow lady to pursue the case properly. Not only this, Kuldeep Bambu and some unknown persons have also extended threats to the petitioners not to prosecute the case and for that reasons even a representation has also been moved to the Superintendent of Police, Sirsa seeking protection to their lives and liberty.

3. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioners but does not find any legal weight.

4. No doubt, the case is pending disposal in the Court of Dabwali but the mere fact that respondent No.2 is related to any political person does not *ipso facto* mean that he is able to exercise any pressure upon the judicial officer. The mere fact that he is related to any leader of the political party also does not *ipso facto* mean that the petitioners cannot pursue the matter at Dabwali. Moreover, petitioner No.1 is only a witness to the accident and has to appear only on once or twice for the purpose of examination as a witness and just for the convenience of petitioner No.1, accused cannot be made to suffer and to stand trial in a Court at a distance of about 200 km from his native place. Moreover, apprehension of the petitioners that respondent No.2 is in a position to exercise any pressure is unfounded. Even otherwise, judicial officer is

expected not to succumb to any political or other pressure and is supposed to deal with the case in accordance with law.

5. Finding no merit in the instant petition, same is dismissed.

January 12, 2016
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(JASPAL SINGH)
JUDGE