

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.M-16659 of 2017 (O&M)

Gulshan ...Petitioner

VERSUS

State of Haryana and another ...Respondents

(2) CRM No.M-16691 of 2017 (O&M)

Kuldeep Saini ...Petitioner

VERSUS

State of Haryana and another ...Respondents

(3) CRM No.M-16765 of 2017 (O&M)

Pawan Bansal ...Petitioner

VERSUS

State of Haryana and another ...Respondents

(4) CRM No.M-16878 of 2017 (O&M)

Pawan ...Petitioner

VERSUS

State of Haryana and another ...Respondents

(5) CRM No.M-16891 of 2017 (O&M)

Naresh Kumar ...Petitioner

VERSUS

State of Haryana and another ...Respondents

(6)

CRM No.M-16896 of 2017 (O&M)

Sunil Kumar

...Petitioner

VERSUS

State of Haryana and another

...Respondents

Date of Decision: September 15, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Deepender Singh, Advocate for
Mr.Anhul Singh, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.N.S.Shekawat, Advocate
for respondent No.2.

INDERJIT SINGH, J.

This order shall dispose of all above-mentioned cases as the point for determination in all the cases is the same.

The above-mentioned petitions have been filed by petitioners under Section 482 Cr.P.C. for transfer of case arising out of FIR No.124 dated 24.01.2017 under Sections 302, 148, 149, 427, 201 and 120-B IPC registered at Police Station Civil Lines, Hisar, from Sessions Division, Hisar to some other court of competent jurisdiction outside the Sessions Division/District of Hisar to any other Sessions Division in Haryana except Sessions Divisions of Fatehabad, Bhiwani and Sirsa.

and contested the petitions. An application has been filed by the LRs of the deceased to implead them in this case. As this case is fixed for final arguments, therefore, LRs are allowed to join the proceedings and address the arguments.

Learned counsel for the petitioners argued that the deceased was a practising Advocate at Hisar, on whose murder, strike was called in the Courts at Punjab, Haryana and U.T. Chandigarh and even Bar Council had given the call to the Advocates to abstain from the judicial work. He further argued that petitioners are not being represented properly and nobody is ready to appear on their behalf, therefore, the trial of the present case should be transferred to other Sessions Division. At the time of arguments, there was no arguments as to why the case should not be transferred to Fatehabad, Bhiwani or Sirsa. Learned counsel for the petitioners further contended that even the counsel engaged by the petitioners i.e. Mr.G.C.Verma, has filed application for withdrawing his Vakalatnama. Therefore, learned counsel for the petitioners argued that the trial may be transferred to Patiala Sessions Division, where the matrimonial case relating to the son of the deceased and daughter of one of the accused is pending.

On the other hand, LRs of the deceased argued that the accused are criminal type of persons and so many cases have been registered against them and by giving threats etc., they have been acquitted in so many cases. The LRs of the deceased, who are the witnesses in this case also, have threat from the accused. If the case is transferred to some other Sessions Division, then it will not be possible for the witnesses to go there and to depose against the accused and there is threat to their life and liberty. It is further

argued that Mr.G.C.Verma, Advocate, had remained counsel for accused in other criminal trials and even after filing the application for withdrawing the Vakalatnama, he has appeared in May 2017 in the trial of this case on behalf of the petitioners.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that no cogent ground is made out for transfer of the criminal trial in the present case from Sessions Division at Hisar to any other Sessions Division. In the petitions, it has not been prayed that the trial of the present case be transferred to Sessions Division at Patiala in Punjab. Otherwise also, that is a matrimonial case and in no way, to be decided along with this criminal trial. Secondly, it is settled law that inconvenience of the accused only is not to be seen but the inconvenience of the witnesses/complainant is also to be seen. Even if it is presumed that the trial of the case is transferred to nearby Sessions Division, even then, some Advocate will represent the petitioners, therefore, the petitioners can also engage Advocate from the nearby Sessions Division to represent them at Hisar.

Learned counsel for the LRs of the deceased has brought it to the notice of this Court that there is no financial problem with the petitioners and they can engage any Advocate.

Furthermore, even if the prayer of the petitioners is taken as it is that Bar Council had called for strike of one day on the murder of Advocate, even then, if the case is transferred to U.T. Chandigarh or Punjab or other Sessions Division in Haryana, the fact remains as it is, as the call was given by the Bar Council to the Advocates for abstaining from work in

allegations have been levelled against the Presiding Officer.

In view of the above discussion, I do not find any ground to transfer the trial in the present cases to some other Sessions Division.

Therefore, finding no merit in all the petitions, the same are dismissed.

As the main petitions have been decided on merits, therefore, the CRMs in each case, if any, stand automatically disposed of.

September 15, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No