

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2101 of 2017 (O&M)

Date of Decision: 24.01.2017

Col. Kamaljit Singh

--Petitioner

Versus

Harjit Singh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.P. Soi, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 407 Cr.P.C seeking transfer of a complaint bearing no. 237 of 2015 dated 12.12.2015 titled as Harjit Singh Vs. Col. Kamaljit Singh Sangha under Section 138 of the Negotiable Instruments Act pending in the Court of Sh. Bagicha Singh ACJ(SD). Dasuya, District Hoshiarpur to any other court of competent jurisdiction outside the district.

It is the contention raised by the counsel that on account of a bonafide mistake and having noted down the wrong date in relation to proceedings before the Trial Court petitioner had not appeared on such date and the bail bonds had been canceled and despite being a bailable offence, the petitioner, on moving an application, had been denied the concession of bail. In a nutshell, it is sought to be contended that the Presiding Officer concerned “**seems to be annoyed with the petitioner on account of his single default of non-appearance**” and as such, an apprehension is voiced in the instant petition that the petitioner does not expect any justice from such Presiding Officer.

It is also the contention raised by the counsel that without any justification, the petitioner had to remain in judicial custody for the day and at the back of the petitioner the evidence of C.W was recorded and as such, the petitioner has been seriously prejudiced having been denied to instruct his counsel to cross-examine such material prosecution witness.

Counsel for the petitioner has been heard and pleadings on record have been perused.

The instant petition is nothing but a classic example of a litigant himself having defaulted and now raising wild and rash allegations against a Judicial Officer. It is the pleaded case of the petitioner himself that he had absented from trial proceedings on 17.11.2016. Resultantly, his bail bonds had been canceled. It has been averred in para 7 of the petition that on 15.12.2016 the petitioner had made an application for taking up the file and for furnishing the bail bonds and surety bonds before the Duty Magistrate and who in turn had wrongly recorded that "bail bonds not furnished." Such serious allegation contained in para 7 of the petition has not been substantiated.

The petitioner is raising totally unsubstantiated allegations not only against the Presiding Officer of the Trial Court but also against the Duty Magistrate before whom an application had been moved on 15.12.2016.

There would be no occasion for this Court to entertain such a petition and on the basis of such rash and wild allegations. A litigant cannot be permitted to seek transfer at his own whims and fancies. The apprehension voiced in this petition as regards Presiding Officer being annoyed is not well founded. Prayer made in the petition is, accordingly,

declined.

In so far as the second grievance raised by the petitioner with regard to having been denied opportunity to instruct his counsel to cross-examine the C.W on 15.12.2016, this Court would only observe that it would be open for the petitioner to avail of any remedy in such regard as may be available in accordance with law.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No