

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-23318 of 2017 (O&M)
Date of Decision: December 20, 2017**

Harsh Chopra

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Suvir Sidhu, Advocate
for the petitioner.

Petitioner-in-person.

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

Mr.Jitender Dhanda, Advocate
for respondents No.2 to 7.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. read with 407 Cr.P.C. against State of Haryana and other respondents for transfer of trial of case FIR No.351 dated 06.10.2015 under Sections 506 and 34 IPC registered at Police Station Bhattu Kalan, District Fatehabad titled as 'State of Haryana through Harsh Chopra, Advocate vs. Suraj Bhan @ Tony etc.' from the Court of learned JMIC, Fatehabad to the competent jurisdiction at Chandigarh.

Notice of motion was issued. Learned State counsel as well as

learned counsel for respondents No.2 to 7 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.

Learned counsel for the petitioner firstly argued on territorial jurisdiction. On this ground, the trial of the case cannot be transferred. The judicial findings are required, which are finding of fact as well as law and are to be given by the trial Court to determine where the territorial jurisdiction lies and separate remedy is available to the petitioner for that purpose. Learned counsel for the petitioner further argued that inconvenience is caused to the complainant to appear in the Court at Fatehabad and the case be transferred at any place. It is settled law that criminal trial should not be transferred in routine. It has been brought to the notice of this Court that in this case, four witnesses have already been examined and only two witnesses remain including the present petitioner. It is a State case and presence of complainant-petitioner, on each and every date, is not necessary. He is to appear only on one date as a witness before the Court at Fatehabad. Otherwise, accused and other witnesses would have to visit to other place if the case is transferred to some other station.

Learned counsel for the petitioner also argued that there is threat to the petitioner from the accused. On this ground, I find that, if it is so, then the petitioner can ask for the protection when he will go to attend the Court.

Furthermore, the perusal of the record shows that present petitioner, who is complainant in the case, is not appearing before the trial

Court and bailable warrants have been issued against him.

Keeping in view the above facts and circumstances, I do not find any cogent ground to transfer the case to any other District from Fatehabad.

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

December 20, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No