

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41495 of 2014

.....

Date of decision:5.12.2017

Paramjit Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ashu Kaushik, Advocate for the petitioner.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Amit Saini, Advocate for respondents No.2 to 5.

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Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. for transfer of case FIR No.95 dated 16.5.2012 registered for the offences under Section 452, 323, 148, 149 and 506 IPC at Police Station Samrala, District Ludhiana to any other District of Punjab preferably at Chandigarh.

Notice of motion was issued in this case.

Ms. Simranjeet Kaur, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Amit Saini, learned Advocate has appeared for respondents No.2 to 5 and contested this petition.

In the petition for transfer, it has been mentioned that FIR should be covered under Section 308 IPC, but the Police in order to help the accused party, has not presented the challan. Further two accused are not named by the Police to help them. An application was filed before the Court below which was dismissed. It has been mentioned that the accused persons are desperate persons with criminal background and have been pressurizing the petitioner not to pursue his case. It has been mentioned that because of so much fear of the accused persons in the mind of the petitioner, he has not dared to appear in the Court as a witness. Earlier bailable warrants were issued against the petitioner to appear in the Court, but he still did not appear in the Court below. Now non-bailable warrants have been issued against the petitioner and he has still not appeared because of the fear of the accused party. The petitioner apprehends that he will be physically harmed, if he dared to appear in the Court.

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

Except this fact that the accused are having criminal background and the petitioner has fear from them, no other point has been argued by the learned counsel for the petitioner. As per FIR, the offences are only under Sections 452, 323, 148, 149 and 506 IPC. It is not a serious case nor any grievous injury or injuries of serious nature have been given by the accused persons. Even if this case is transferred to any other district, the fear of the complainant, which he claims at present will remain there also. It looks that this petition has been filed only feeling aggrieved from the non-

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bailable warrants issued against the present petitioner-complainant. No cogent reason has been given for transferring this case from Ludhiana to any other district of Punjab etc. It is settled law that the criminal trial should not be transferred in a routine manner. The witnesses have also to visit to a distant place if the case is transferred and inconvenience will be caused to the accused as well as to the witnesses etc. No ground is made out for transferring this case.

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

December 5, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No