

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42326-2016

Date of Decision : February 27, 2017

CENTRAL BUREAU OF INVESTIGATION

....Petitioner

VERSUS

ANIL KUMAR @ CHHOTU

....Respondent

CORAM : HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sumeet Goel, Advocate for the petitioner.
Mr. Rohit Kaushik, Advocate for the respondent.

A.B. CHAUDHARI, J (ORAL)

Reply by way of affidavit filed by the respondent is taken on record.

Heard learned counsel for the respondent has vehemently opposed the plea for transfer of a case from the Court at Ambala to the Court at Panchkula. He admitted that the reason given in para 3 in the petition is nothing but a luxury and, therefore, transfer cannot be made on such grounds. It is not a dispute that earlier CBI Court was at Ambala and by notification and appropriate orders by the competent authorities, the same has been shifted from Ambala to Panchkula where there is infrastructure available. Para 3 of the petition reads thus:-

“That there is neither any regular CBI Special Court nor any CBI Prosecutor is posted at Ambala. Hence it is very difficult to depute one PP to conduct the case in Learned Court at

Ambala as all the prosecutors of CBI, ACB, Chandigarh Branch as also CBI, SCB, Chandigarh Branch have already been deputed to the respective Courts at Chandigarh, Patiala and Panchkula.”

When the Court at Ambala had been shifted i.e. CBI Court at Panchkula, it follows that all the cases pertaining to the CBI Court in the territorial jurisdiction of that Court must be conducted at Panchkula only. There is not a dispute that the trial against the respondent arises out the same incident but for the fact that the respondent is juvenile.

Till the time, the notification of shifting of the Court of CBI from Ambala to Panchkula exists para 3 of the petition has to be accepted.

In view of the matter, the petition is allowed and rule is made absolute accordingly.

**(A.B. CHAUDHARI)
JUDGE**

February 27, 2017

rajneesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No