

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

**CRM No.9243 of 2017 in/and
CRM-M-7184 of 2017
Date of Decision: March 17, 2017**

Arun Bajaj

...Petitioner

Versus

Jasbir Singh Johal and another

..Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. P.S. Ahluwalia, Advocate
for respondent No.1.

Mr. Gurinderjit Singh, DAG, Punjab
for respondent No.2/State.

FATEH DEEP SINGH, J.

CRM No.9243 of 2017

Application stands allowed.

Reply by way of an affidavit of the applicant/respondent
No.1 along with documents allowed to be taken on record.

CRM stands disposed off. .

CRM-M-7184 of 2017

The petitioner Arun Bajaj, an accused in a private complaint initiated by respondent No.1. Jasbir Singh Johal on the allegations that the accused and his two sons Gurang Bajaj and Roshan Bajaj had committed criminal offence qua him and on the basis of his complaint Ex.P/1 vide orders dated 08.03.2013 Ex.P/2 all these three

persons were summoned as an accused. The crux of these allegations are that both the parties are neighbours and on account of a dispute over parking of vehicles etc. they had been filing various cases against each other and the present petition happens to be one of pretence to avenge. The present petition has been preferred by the accused/petitioner on the grounds that earlier he was being represented by a lawyer, who unfortunately expired in 2016 and he has tried to engage another lawyer and since the complainant happens to be an Advocate none has come forth to represent him and, thus, on the grounds of such act of the complainant in denying him legitimate right has sought to bring about this petition.

Upon hearing learned counsel for the parties and perusing the records. As is reflected from the records put up by learned counsel for the complainant it was during the course of arguments by the learned Additional Sessions Judge, Jalandhar the present transfer application has come about and prior thereto there has been no whimper from the side of the petitioner to this effect which reflects it is more of an unsubstantiated apprehension than of any legitimate and legally justifiable ground for coming up by way of instant petition before this Court seeking transfer of the matter. More so there are innumerable cases pending between the parties and this is the sole instance where the petitioner has brought about such a stand and neither it is the case of the petitioner's counsel when specifically confronted if he has moved trial Court as to lack of legal aid and support to him during the course of the trial in the present case are matters which impinge the judicial conscience that all is not well with the petition. Though, Court should be sensitive to such apprehension as the

party should not have any such apprehension that justice would be denied to him but at the same time as to guard against such subterfuges and concocted unsubstantiated pleas not only to delay the proceeding but to gain an upper hand in this long drawn outegoistic skirmish between the two sides and the very documents Annexure P/8 whereby the petitioner who himself claims to be a lawyer is being represented by counsel so chosen by him to represent him in this case who has filed memo of appearance further negates the pleas that is sought to be raised. Though, this Court has unbridled powers in terms of Section 407 Cr.P.C but the same needs to be exercised on judicial principles as the very administration of justice would suffer and would be opening floodgates of such unwanted recourse of law. Thus, the present petition being wholly without any merits stands dismissed.

Parties are directed to appear before the trial Court.

(FATEH DEEP SINGH)
JUDGE

March 17, 2017

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