

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

115

CRM-M-7500 of 2017 (O&M)

Date of Decision: May 09, 2017

Dheeraj Kumar

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. N.S. Goraya, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

In the present petition filed under Section 482 Cr.P.C., petitioner has assailed the order dated 16.02.2017 (Annexure P-4) passed by the learned Sessions Judge, Patiala and vide which, an application moved by the petitioner for transfer of case FIR No.25 dated 25.11.2012, under Section 12/13(1)(d) of the Prevention of Corruption Act and Section 420/120 B of Indian Penal Code, registered at Police Station Vigilance Bureau and pending in the Court of Sh. S.S. Jossan, Additional Sessions Judge, Patiala (Special Judge Patiala) to the Court of Sh. Naval Kumar, Additional Sessions Judge, Patiala (Special Judge Patiala) and to be heard along with case titled as **State vs. Dheeraj Kumar**, arising out of FIR No.26 dated 27.11.2012, under Sections 120B, 409, 420, 465, 467, 468 IPC, registered at Police Station Vigilance

Bureau, has been declined.

Counsel appearing for the petitioner would argue that the impugned order cannot sustain as it goes against the mandate of Section 223 of Criminal Procedure Code as under such provision, the persons accused of different offences committed in the course of same transaction are to be charged and tried together.

In the considered view of this Court, the instant petition is ill conceived.

Earlier in point of time, the petitioner had approached this Court for clubbing of both the cases titled as **State vs. Pawan Kumar** as also **State vs. Dheeraj Kumar**, pertaining to FIRs No.25 dated 25.11.2012 and 26 dated 27.11.2012, by filing **CRM-M-15874 of 2016** and such petition was dismissed on 20.05.2016 by clearly observing that there is difference in the nature of allegations levelled in the two FIRs and the witnesses sought to be examined by the prosecution, would not be the same. This Court further took a view that both the FIRs cannot be considered to be emanating from the same transaction.

Suffice it to observe that the application moved by the petitioner for transfer of the case and which has led to the passing of the impugned order dated 16.02.2017 (Annexure P-4) was just a second attempt for seeking the same relief.

The impugned order dated 16.02.2017, passed by the learned Sessions Judge, Patiala, takes specific notice of the order dated 20.05.2016, passed by this Court in **CRM-M-15874 of 2016**.

No ground for interference is made out.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.05.2017
anju rani

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