

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

132

**CRM-M-20316-2018
DATE OF DECISION: 14.05.2018**

KULWINDER SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Majithia, Advocate
for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition under Section 407 of Cr.P.C. is for transfer of the trial which is pending before the Court of Additional Sessions Judge, Amritsar to appropriate Court in District Gurdaspur, Batala or Pathankot.

The petitioner is accused in FIR No.59 dated 26.10.2010 (Annexure P-1) registered under Sections 382, 506 IPC at Police Station Chattiwind, District Amritsar (Rural). Police has presented the challan before the trial Court under Sections 341, 323, 506, 34 IPC on 25.04.2015.

Learned counsel for the petitioner contends that the son of the complainant is a practicing lawyer at Amritsar District Court and is in a position to influence the trial. He also contends that the trial Court had erroneously allowed an application preferred by the complainant under Section 311 Cr.P.C. on 26.09.2017 without taking into account the reply of the petitioner.

Heard.

The only ground on which the transfer of the trial has been sought is that the son of the complainant is a practicing lawyer at District Court Amritsar, who may influence the trial. This, by itself, would not be a sufficient ground for the case to be transferred out of the jurisdiction of the Courts at Amritsar.

Furthermore, the order allowing the application of the complainant under Section 311 Cr.P.C. had been passed on 26.09.2017 and it would be open to the petitioner to challenge the same in accordance with law, if he is feeling aggrieved thereagainst. At this juncture, learned counsel for the petitioner contends that revision petition thereagainst has already been filed which is pending adjudication before the Court of Additional Sessions Judge.

In view of the above, there appears to be no justification whatsoever for transfer of the trial from Amritsar to other district as sought for, in this petition. Consequently, the petition being bereft of any merit, stands dismissed.

14.05.2018

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

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