

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

Crl. Misc. 37137 of 2018 in/and
Crl. Misc. M-20554 of 2018 (O&M)
Date of Decision: November 13, 2018

Jyoti

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

Mr. Chanderhas Yadav, Advocate
for applicant-respondent No.4.

JAISHREE THAKUR, J. (Oral)

CRM-37137-2018

This is an application for preponing the hearing of the main case (CRM-M-20554 of 2018) to an earlier date.

For the reasons mentioned in the application, the same is allowed and the main case is taken up for hearing today.

CRM-M-20554-2018

This is an application seeking transfer of the criminal trial in case FIR No.292 dated 07.08.2015, under Sections 498-A, 313, 377, 506 of Indian Penal Code, registered at Police Station Shivaji Colony, District

Rohtak, pending before the court of Judicial Magistrate Ist Class, Rohtak bearing case No.46/03.04.2017 titled as “State vs. Pardeep Kumar”.

In brief, a marriage was solemnized between the petitioner and respondent No.4 on 07.01.2011 as per Hindu rites and ceremonies, which could not survive the test of time and resulted in registration of the aforesaid FIR. It is submitted that respondent No.4 is working as a Judicial Magistrate in the State of Haryana and under his influence, the trial of the case is not being conducted fairly. It is prayed that the said criminal trial should be transferred to some other place other than the State of Haryana.

Notice of motion was issued in the matter and pursuant to which appearance has been caused on behalf of the respondent-State as well as respondent No.4.

Learned counsel appearing on behalf of respondent No.4, at the very outset, submits that he has no objection if the trial of the case is transferred to any other court.

I have heard learned counsel for the parties.

At this stage, without going into the merits of the case as well as the allegations levelled in the present petition, keeping in view the old age maxim that justice should not only be done, but appears to have been done, this court deems it appropriate if the trial of the case in question is transferred to any other court. Under the facts and circumstances of the present, criminal trial in case FIR No.292 of 07.08.2015, under Sections 498-A, 313, 377, 506 of Indian Penal Code, registered at Police Station Shivaji Colony, District Rohtak pending before the court of Judicial Magistrate Ist Class, Rohtak bearing case No.46/03.04.2017 titled as “State

vs. Pardeep Kumar” is transferred to the court of competent jurisdiction at Chandigarh. The parties are directed to appear before the learned District and Sessions Judge, Chandigarh on 19.12.2018. The learned District and Sessions Judge, Chandigarh would entrust the said case to the court of competent jurisdiction in the District Courts, Chandigarh, preferably to a Judicial Officer belongs to Punjab cadre.

A copy of this order be sent to the concerned court for compliance.

The petition stands allowed accordingly.

November 13, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No