

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

CRM-M-2392 of 2018 (O&M)

Date of Decision: 02.04.2018

Dalwinder Singh

.. Petitioner

Vs.

State of Haryana & Ors.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Parmod Chauhan, Advocate
for the petitioner.**

Ms. Mahima Yashpal, AAG Haryana.

**Mr. Ashit Malik, Advocate
for respondents No.2 to 4.**

ANITA CHAUDHRY, J.

The petitioner is seeking transfer of trial going on against respondents No.2 to 4 in the Court of Additional Sessions Judge (Exclusive Court for Heinous Crimes Against Women), Kurukshetra relating to FIR No. 44 dated 21.02.2015, registered under Sections 376-D, 323, 506 and Section 6 of POCSO Act at Police Station Ladwa, District Kurukshetra to any other Court in the State of Haryana.

Reply to the petition has been filed by the State.

I have heard learned counsel for the parties.

Learned counsel has submitted that the petitioner is the complainant in the FIR and one of the accused was practising Advocate in the same Court where trial is pending.

Learned counsel for respondents No.2 to 4 has submitted that the respondents are in custody and the petitioner only wants to delay the trial. According to him, though the petitioner has failed to justify the transfer of case on reasonable grounds, still he had given no objection on 19.03.2018 for the transfer of the trial to some other District.

The trial is at the final stages and is fixed for defence evidence and arguments. The apprehension of the petitioner is that he may not get justice from the Court where one of the accused was a practising lawyer. The accused side have no objection to the transfer of the case.

Though not commenting on the allegations levelled, the petition is allowed and the trial pending in the Court of Additional Sessions Judge, Kurukshetra, titled as State Vs. Parveen Kumar and others, referred to above, is transferred to District Karnal. The parties are directed to appear before the Court of Learned District & Sessions Judge, Karnal on 16.04.2018, who shall assign the same to competent Court. Intimation be also sent to Learned District & Sessions Judge, Kurukshetra and to the Superintendent Jail concerned for producing the accused before the District & Sessions Judge, Karnal on the said date. The records of the case, complete in all respect, be sent well within time.

April 02, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No