

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29554-2018 (O&M)
Date of Decision:-13.08.2018.

Sachin

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Bijender Dhankar, Advocate for respondent Nos.2, 5 and 6.

None for respondent Nos.3 and 4.

Mr. U.K. Agnihotri, Advocate and
Mr. Rajiv K. Saini, Advocate for respondent No.7.

P.B. BAJANTHRI, J. (Oral)

Reply by way of affidavit dated 9/13.08.2018 on behalf of State of Haryana is taken on record.

2.) In the instant petition, petitioner has sought for transfer of trial pending before in case FIR No.439 dated 4.11.2016 registered under Sections 148/149/302/307/506/120-B IPC read with Sections 27/54/59 of the Arms Act at Police Station Sadar Sonapat, District Sonapat tried by Additional Sessions Judge, Sonapat.

3.) Pursuant to the order dated 17.07.2018, comments of the

Presiding Officer perused. Perusal of (i) to (vii), it is evident that file was sought in bail application of co-accused on Sh. Amit on 02.11.2017 and file was sent to this Court on 13.12.2017 and it was returned back on 12.01.2018. In the comments, the Presiding Officer has not stated as to what action has been taken from the date of submission report under Section 173 Cr.P.C. and it seems that on 31.01.2017, challan was filed. Thereafter, supplementary challan was filed on 17.7.2017. In between January, 2017 and July 2017 to 2.11.2017, there is no explanation from the Additional Sessions Judge, Sonapat.

4.) On the other hand, learned State counsel and counsel appearing on behalf of the respondents failed to apprise this Court, as to why the case be not transferred from District Sonapat to some other District.

5.) Allegation of the petitioner with regard to the bail granted to accused is only the one of the reason of delay in trial is still unrebutted. Petitioner has made out a case to transfer the file in Case FIR No.439 dated 4.11.2016 under Sections 148/149/302/307/506/120-B of IPC read with Sections 27/54/59 of the Arms Act, registered at Police Station Sadar Sonapat, District Sonapat, having regard to the conduct of the Presiding Officer in keeping the case pending without assigning any reasons for the intervening period cited supra.

6.) Heard the learned counsel for the parties.

7.) In view of these facts and circumstances and the fact that trial is lingering on from the last one and a half year and grant of benefit of bail on the ground of delay in trial and unexplained delay in comments

Accordingly, petition stands allowed and case be transferred to

directed to transmit complete papers to the office of the Sessions Judge, Karnal before 07.09.2018. Trial Court is further directed to inform the all concerned i.e. accused and witnesses well in time to enable them to appear before Sessions Judge, Karnal. Sessions Judge, Karnal is requested to decide the case on his own or he may assign to any other Additional Sessions Judge under the provision of Section 194 Cr.P.C. The above direction shall be complied insofar as transmitting the record and information to the concerned within a period of four weeks from today. Thereafter, the concerned District/Additional Sessions Judge, Karnal is hereby directed to conclude the trial, at the earliest.

(P.B. BAJANTHRI)
JUDGE

August 13, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.