

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

**CRM-M No.34415 of 2018
Date of decision: 10.08.2018**

Joga Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of criminal trial titled as 'State vs Joga Singh' which is pending in the Court of Judge, Special Court, Jalandhar to some another Court of competent jurisdiction as well as for setting-aside the order dated 26.07.2018 (Annexure P9), vide which the application filed by the petitioner seeking transfer of criminal trial, has been dismissed.

Counsel for the petitioner has submitted that the Judge, Special Court, had shown leniency towards the prosecution in granting time for concluding the prosecution evidence and by summoning the remaining prosecution witnesses byailable warrants. Counsel for the petitioner has referred to the orders dated 07.05.2018 onwards to show that when the prosecution witness despite service was not present, the trial Court has issuedailable warrants for procuring his/her presence and on 02 occasions,ailable warrants were issued in a sum of Rs.5,000/- with surety in the like amount.

Counsel for the petitioner has further argued that he has

moved an application for transfer before the Sessions Judge, Jalandhar which was dismissed observing that since the prosecution evidence has already been closed and even, the statement of accused under Section 313 Cr.P.C., has been recorded and it is not the case of the petitioner that he was not granted proper opportunity to cross-examine the prosecution witnesses or after recording the statement, he was not granted the right of defence as it was admitted by defence counsel that the case was fixed for defence evidence, after recording the statement of accused under Section 313 Cr.P.C.

Counsel for the petitioner has also submitted that even the defence evidence has been concluded and the case is now fixed for 17.08.2018 for final arguments.

After hearing the counsel for the petitioner, I find no ground to entertain this petition. A perusal of the orders (Annexures P2 to P8) show that the trial Court has made endeavor to procure the presence of the prosecution witnesses and has granted short dates to conclude the trial, at the earliest. Mere fact that the trial Court has issued bailable warrants to procure the presence of the prosecution witnesses, who were served for an earlier date will not be a ground to transfer the trial to some other Court. Needless to say that in the entire petition, there are not allegation against the Presiding Officer, in any manner, and the ground taken in this petition are only with regard to the procedure adopted by the trial Court for ensuring that the prosecution witnesses are present on the date, when the case was fixed for its evidence. At this stage, the statement of the petitioner under Section 313 Cr.P.C., has already been recorded and after availing his right of defence evidence, which was already closed, the case is now fixed for

final arguments.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.08.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No