

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

CRM-M-39725-2015 (O&M)

Date of Decision:31.07.2018

Pawan Kumar

... Petitioner

Vs.

Sanjay Kumar

... Respondent

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

Present : Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Anurag Jain, Advocate
for the respondent.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for quashing order dated 17.11.2015 (Annexure P-7) of the Commissioner Hisar Division, Hisar by which stay application filed in application under Section 145 Cr.P.C seeking transfer of case pending in the Court of Shri Ashok Kumar Bansal, HCS, Sub Divisional Magistrate, Hisar to any other competent Court outside District Hisar by him has been rejected. Hence, the present petition.

2. Learned counsel for the petitioner vehemently contended that he had filed two applications one is for transfer and another is for staying further proceedings. Commissioner Hisar Divisiona Hisar has proceeded to decide only stay application and not transfer with reference to order dated 16.10.2015 of the Additional District Judge, Hisar in Criminal Revision No.50 of 2015.

3. While ordering notice of motion, petitioner has obtained interim order on 26.11.2015. During pendency of the present petition, Sub Divisional Magistrate is stated to have been changed. In other words, some

other officer has been posted.

4. In view of the later development, grievance of the petitioner relating to transfer of his case from Shri Ashok Kumar Bansal, HCS, Sub Divisional Magistrate, Hisar to any other competent Court outside District Hisar do not survive for consideration.

5. Accordingly, present petition do not survive for consideration. Parties are hereby directed to appear before the Sub Divisional Magistrate on 4.9.2018.

6. Disposed of accordingly.

31.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**