

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

**Crl. Misc. No. M-42499 of 2018 (O&M)**  
**Date of decision : October 11, 2018**

Meena

... Petitioner

VERSUS

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Pradeep Virk, Advocate  
for the petitioner.

Mr. Deepak Grewal, D.A.G, Haryana.

Mr. Ashish Pannu, Advocate  
for respondent No. 2.

**SURINDER GUPTA, J.(Oral)**

Heard.

Reply by way of affidavit filed by learned State counsel and learned counsel for respondent No. 2 separately today in the Court is taken on record.

Learned counsel for the petitioner submits that the complainant in this case is an Advocate, who is practicing at Sonapat and is also one of the injured. Due to this reason, the petitioner, who is one of the accused, is not getting the assistance of any lawyer at Sonapat to defend her case. She engaged S/Sh. Rajesh Yadav, Kuldeep Singh Solanki, Anil Mor, Sandeep Kaushik, Kamal Hooda, Pardeep Singh Chauhan, R.S.Dahiya, Advocates, who have expressed their reluctance to appear for her as complainant is a practicing advocate there. Mr. R.S.Dahiya, Advocate, who appeared for her has also shown his reluctance to appear on behalf of the

accused and this has created a problem for the petitioner as on the side of complainant a battery of lawyers are appearing.

Learned State counsel and learned counsel for respondent No. 2 submit that the accused in this case are being represented by their counsels, who are appearing on each and every date of hearing. Even Mr. R.S.Dahiya, Advocate had appeared on the last date of hearing i.e. 04.10.2018. Even if the lawyer is a complainant and a victim in this case, this makes out no reason for its transfer out of the District. The only purpose for the petitioner seeking transfer of case is that the trial Court is giving very short adjournments as the case falls in "*Action Plan* cases". The offence in this case is very serious as it is a triple murder case and several persons were also injured.

Learned counsel for the petitioner has placed on file copies of power of attorneys filed by various counsels on behalf of the petitioner. He has also drawn my attention to the interim orders which show that Mr. R.S.Dahiya, Advocate engaged by petitioner had not appeared on some occasions.

I agree with the submissions of learned counsel for the respondent that mere fact that an advocate is a complainant is no reason to transfer the case out of the district. However, keeping in view the submissions of learned counsel for the petitioner, which finds corroboration from the documents placed on file, I am of the opinion that it will be in the interest of justice that the petitioner and other accused get the proper assistance of counsel to defend them. A frequent change of counsel also affects the defence which the accused has to take in the case. From the power of attorneys placed on file, it appears that many counsels engaged by

petitioner have left for the reasons best known to them.

Keeping in view the above facts, this petition is allowed and cases titled as *State of Haryana Versus Jyoti and others; State of Haryana versus Mohit @ Bhalu and another* arising out of FIR No. 600 dated 01.11.2016 registered at Police Station City Sonapat for the offences punishable under Sections 148, 149, 302, 307, 323 of Indian Penal Code and 25 of Arms Act pending in the Court of Additional Sessions Judge, Sonapat are transferred to the Court of District & Sessions Judge, Karnal. However, the trial of juvenile in this case shall continue before the Juvenile Justice Board, Sonapat.

The trial Court is directed to send the complete file of the cases to the District & Sessions Judge, Karnal, where the parties will appear as per date given by the trial Court. As it is an old case, learned District & Sessions Judge, Karnal will expedite the disposal of the trial by giving short adjournments.

October 11, 2018  
*Jyoti-II*

(SURINDER GUPTA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*