

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-440-2018(O&M)
Date of Decision: 09.01.2018

Parshottam Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. T.V.S. Lehal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed under Section 407 Cr.P.C seeking transfer of the trial of the petitioner in case FIR No.10 dated 8.1.2014 registered at Police Station, Civil Lines Batala, District Gurdaspur under sections 21, 61, 85 of N.D.P.S Act and section 12 of Prevention of Corruption Act pending before the court of Sh. Gurjant Singh, Additional Sessions Judge, Gurdaspur as Case No.PC/08/2017 to any other competent court in Gurdaspur Sessions Division itself.

Counsel submits that on 5.1.2018 there was the Birth Centenary of Guru Gobind Singh and which was being celebrated by the District Bar Association, Gurdaspur and a resolution had been passed to observe 5.1.2018 as "No Work Day".

Counsel adverts to the proceedings before the Trial Court dated 5.1.2018 and whereby one PW Naurang Singh had been examined in chief to some extent and in the absence of the counsel for the petitioner/accused. Argument raised is that this has caused substantial prejudice to the petitioner.

Counsel for the petitioner has been heard at length.

Suffice it to observe that the zimni order relating to proceedings conducted on 5.1.2018 would in itself show that the examination-in-chief of the prosecution witness in question namely Naurang Singh had been deferred and the next date of hearing was posted as 10.1.2018.

Merely because the court had proceeded in the matter inspite of the Bar having passed a resolution as regards “No Work Day” would not be sufficient for this Court to record a finding as regards the Judicial Officer being prejudiced against the accused/petitioner.

It is not even the case made out that the concerned Judicial Officer had singled out the case of the petitioner and had adjourned all other matters.

The instant order was dictated in Open Court. Seeing that this Court is not inclined to interfere in the matter, counsel prays for withdrawal of the instant petition with liberty to avail of any other remedy as may be available to him in accordance with law.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

09.01.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No