

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

**Crl. Misc. No.M-47229 of 2018 (O&M)
Date of Decision: October 26, 2018**

Pradeep Malik

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Petitioner in person.

SURINDER GUPTA, J.(Oral)

The petitioner has sought transfer of the case bearing FIR No. 109 dated 16.08.2012 registered for the offences punishable under Sections 279, 337, 304-A, 338 of Indian Penal Code (for short IPC) at Police Station Chhachhrauli, District Yamuna Nagar from the Court of Chief Judicial Magistrate, Yamuna Nagar at Jagadhri to any other Court in the State of Punjab, Haryana or Chandigarh.

Learned counsel for the petitioner submits that the case was earlier pending in the Court at Bilaspur. He is not having good terms with an Additional Sessions Judge, who was earlier posted at Rohtak and is presently posted at Yamuna Nagar at Jagadhri, who is exercising influence over the judicial officers posted there.

Reason for seeking the transfer of case have been mentioned in para 9 of the petition, which is reproduced as follows:

That the petitioner has very reasonable apprehension that if his case is tried at District Yamuna Nagar before any court then justice will not be done to him and the above said

presiding officer might try to influence the concerned trial court. It is well settled law that justice need not be done but it should seems to have been done. In the present case also the petitioner is apprehending that justice might not be done to him for the reasons stated above. Without levelling any allegations against anybody, the petitioner very humbly request this Hon'ble Court that his case may kindly be transferred from District Yamuna Nagar and it may be transferred to any other Court in the State of Punjab and Haryana.

On reference by Judicial Officer, Bilaspur, where the case was pending, learned Sessions Judge, Yamuna Nagar at Jagadhri has withdrawn it from his Court and transferred it to the Court of Chief Judicial Magistrate, Yamuna Nagar at Jagadhri. I find no reason to accept the contention of the petitioner that an officer of Superior Judicial Services posted in Yamuna Nagar at Jagadhri with whom he had a tiff during his posting at Rohtak can influence the Chief Judicial Magistrate or any other officer, who is dealing with this case. The case is to be decided on merits as per evidence on the record. The apprehension of petitioner is without any basis calling for no reason for transfer of the case.

This petition has no merits and is dismissed.

October 26, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***