

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7026-2018 (O&M)

Date of decision: 14.08.2018

Baljeet Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. R.S. Budhwar, Advocate
for respondent No.3.

Mr. L.R. Sharma, Advocate
for respondent No.4.

Mr. Arun Sharma, Advocate
for respondent No.5.

Mr. N.S. Shekhawat, Advocate
for respondent No.6.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the trial arising out of FIR No.76 dated 24.07.2017 under Sections 302/34 IPC, registered at Police Station Buria, District Yamuna Nagar, pending before the Sessions Judge, Yamuna Nagar to some other district in the State of Haryana.

Learned counsel for the petitioner submits that one of the four accused named in the FIR, namely Virender @ Monu is a practising Advocate

in the District Courts at Yamuna Nagar and he is an influential person. When he was arrested, there was an agitation by the lawyers in Yamuna Nagar by blocking the road and this incident was also published in the newspaper. It is further submitted that the petitioner wanted to engage a good criminal lawyer to defend the case, however, no lawyer is willing to take his case. It is also submitted by learned counsel for the petitioner that though the case of the prosecution is being defended by the Public Prosecutor, however, the petitioner wants to engage a private lawyer to defend his case, as his young son was murdered.

In reply, learned counsel appearing for respondent No.6 Popam @ Jaiveer has submitted that the trial is now pending before the learned Sessions Judge, Yamuna Nagar and in the entire petition, there is no allegation against the ld. Sessions Judge that she is not proceeding in accordance with law or that the petitioner is facing any hardship, except that he wants to engage a private lawyer to defend his case. Learned counsel has placed on record photocopy of the order dated 10.07.2018 passed by the Sessions Judge, Yamuna Nagar, in which Mr. S.C. Sharma, a leading Advocate, has appeared on behalf of the petitioner/complainant in regular bail application filed by respondent No.6 and the same was dismissed vide aforesaid order dated 10.07.2018.

After hearing learned counsel for the parties, considering the fact that case of the petitioner is being tried by the senior-most judicial officer i.e. ld. Sessions Judge, Yamuna Nagar and also in view of the fact that the petitioner is now being represented by a private counsel, who is admittedly a senior criminal/defence lawyer, I find no ground to transfer the trial arising out of FIR No.76 dated 24.07.2017 under Sections 302/34 IPC, registered at Police

Station Buria, District Yamuna Nagar, pending before the Sessions Judge, Yamuna Nagar to some another district in the State of Haryana.

However, liberty is granted to the petitioner to move an appropriate application before the Superintendent of Police, Yamuna Nagar in case he feels any threat to his life and liberty or to any of the witnesses or to the Id. counsel representing him in the trial Court. In such eventuality, the Superintendent of Police, Yamuna Nagar will ensure that lives and liberty of the aforesaid persons is protected and necessary protection is provided.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

14.08.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No