

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-7102-2018 (O&M)

Date of decision:31.05.2018

Hasimran Singh Bhullar @ Harsimran Singh Bhullar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab
for respondents No.1 to 5.

Mr. R.Kartikiya, Advocate with
Mr. Hitesh Puri, Advocate
for respondent No.6

P. B. BAJANTHRI, J. (ORAL)

In the instant petition, the petitioners have sought of the following relief:-

“ Petition under Section 482 of the Code of Criminal Procedure with the prayer to direct the respondents No.2 and 3 to interfere into the matter and transfer the complaint of respondent No.6 in the Head Office and some IPS Officer not below the rank of SP needs to be put by constituting a SIT keeping in view the fact that the petitioners are apprehending false involvement as and when they will go to Kapurthala in view of the summoning by the respondent No.5 who himself is dealing with the matter due to the influence of respondent no.6 who herself is working as SDM, Kapurthala and thus while ordering the transfer to respondent Nos.2 to 3, needs warranted that the petitioners be protected by directing the official respondents to follow the procedure as contemplated under Chapter XII of the Code of Criminal

Procedure and specially the provisions of Section 160 Cr.P.C. and give 07 days advance notice for the purpose of summoning the petitioners and also in case any FIR is registered, then the protective umbrella of 07 days be granted keeping in view the peculiar facts and circumstances, which are being explained in the present petition.”

There is a matrimonial dispute between 1st petitioner, husband of 6th respondent. 6th respondent had approached to Senior Superintendent of Police, Kapurthala i.e. 4th respondent with a complaint against the petitioners. With reference to the complaint, 6th respondent, which was directed to the Superintendent of Police, Kapurthala, 5th respondent to examine the complaint.

Learned counsel for the petitioners sought for examination/enquiry of the 6th respondent complaint against the petitioners by the 5th respondent to another other officer.

Since 6th respondent is working as SDM at Kapurthala, petitioners felt that they may not get justice, the petitioners have made out a prima facie case so as to transfer the complaint of the 6th respondent for the purpose of examination/enquiry and taking necessary steps in accordance with law.

Accordingly, the present petition is allowed. Concerned respondent is hereby directed to transfer the complaint of the 6th respondent to any other Superintendent of Police, other than the Kapurthala District.

Accordingly, the petition stands disposed of.

(P. B. BAJANTHRI)
JUDGE

31.05.2018
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Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No