

CRM-M-11309-2019
CRM-M-11303-2019
CRM-M-11875-2019

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

Date of Decision : 14.3.2019

124 CRM-M-11309-2019

Surinder Pal Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

124-A CRM-M-11303-2019

Surinder Pal Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

130 CRM-M-11875-2019

Surinder Pal Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

Vide this common order I shall decide the abovementioned
three petitions as the facts involved therein are same.

These three petitions have been filed challenging the order
dated 25.1.2019 of the Sessions Judge, Mohali declining three identical

applications whereby the petitioner had prayed for transferring of three cases pending against him before the Special Judge, Mohali to some other Court.

Learned counsel has argued that the Sessions Judge did not properly appreciate the enormity of the incidents of bias. As per him, if the incidents which have been pointed out are looked at in isolation it may give rise to the conclusion that they were innocuous but a combined look at all the incidents would have to give rise to the irresistible conclusion that the Trial Court is biased against the petitioner. It is further argued that it was not incumbent upon the petitioner to prove reasonable likelihood of bias but it is enough for him to show that he has a reasonable apprehension that the Judge may be biased.

A perusal of the order shows that the Sessions Judge in his impugned order has mentioned in detail and seriatim all the incidents which have been sought to be proved as illustrations. He has noticed that no order prejudiced to the petitioner was ever passed in all those incidents.

Learned counsel has pointed out that the basis on which the Sessions Judge passed the order was extraneous to law because he has noticed that by transferring the case he would be undermining the authority of the Judge and that this is no criterion for either allowing or dismissing an application for transfer.

He has further argued that the Session Judge was apparently influenced by the comments which the Court had submitted but a copy of those comments was never supplied to the petitioner and a request for that

was rejected.

In my opinion, even the combined reading of the incidents cannot give rise to any reasonable apprehension that the Judge is biased. In these circumstances, it is also necessary to clarify here that this Court also does not have the benefit of the comments by the Trial Court. In the circumstances, even though I may not agree with the reasons which were articulated by the Sessions Judge in declining the application, I regret to state that I am left unimpressed that on the incidents or the orders passed any person can get a reasonable apprehension of bias.

Consequently, petitions stand dismissed.

Since the main cases have been dismissed the pending criminal miscellaneous application, if any, also stands dismissed.

14.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No