

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

CRM No.M-14200 of 2019 (O&M)

Date of Decision: March 28, 2019

Pardeep Kumar Mehta

...Petitioner

VERSUS

Kiran Mehta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sahil Khunger, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407(1) Cr.P.C. for transfer of proceedings arising out of criminal complaint No.1-A of 11.01.2017 titled as 'Pardeep Kumar Mehta vs. Kiran Mehta' pending in the Court of learned SDJM, Mukerian, be transferred to any other Court of competent jurisdiction at Hoshiarpur, Garhshankar or any other Court by setting aside order dated 10.12.2018 passed by learned Chief Judicial Magistrate, Hoshiarpur and order dated 25.01.2019 passed by learned Sessions Judge, Hoshiarpur.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that complaint was filed by present petitioner against Kiran Mehta and twenty more accused, which is

pending in the Court of learned SDJM, Mukerian, for pre-summoning

evidence. The accused have not been summoned so far and the complaint is at preliminary stage. Learned counsel for the petitioner contended that his nephew i.e. son of one of the accused, is practising as Advocate. Learned CJM, Hoshiarpur and learned Sessions Judge, Hoshiarpur, have discussed these facts and passed the impugned orders, specially, keeping in view the stage of the case i.e. accused have not been summoned so far.

The perusal of the impugned orders shows that these have been passed as per evidence and this is no ground to transfer the case if relative of any of the party is practising as Advocate. Furthermore, there is nothing, at this stage, to justify the apprehension of the present petitioner to transfer the case. As already discussed, accused have not been summoned so far and case is at preliminary stage.

Therefore, finding no merit in the present petition, the same is dismissed.

March 28, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No