

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-30173 of 2018 (O&M)
Date of decision: 20.08.2019

Shiv Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Bains, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. G.S. Gopera, Advocate
for respondents No.2, 3 and 4.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to transfer the trial of case No.30 of 2017 titled as 'State Vs. Dharampal and others' which is pending at present in the Court of Additional Sessions Judge, Kaithal to the Court of competent jurisdiction at Chandigarh.

It has been brought to the notice of the Court that the prosecution has concluded its evidence. The statement of the accused under Section 319 Cr.P.C. and most of the defence evidence have also been recorded. However, the petitioner has expressed apprehension that he would not get justice from the Presiding Judge of the Court where the case is pending. The affidavit of one of the witness who appeared in Court on behalf of the defence has also been filed in support thereof.

Keeping in view the facts of the present case, it would not be

appropriate for this Court to record any finding on the allegations made in the petition.

Be that as it may, everyone has a right to get justice from the Court of law. Justice should not only be done but also seen to be done. The Court is a temple of justice. Although, request has been made for transfer of the case outside district, however, keeping in view the facts of the present case, it is considered appropriate to direct the District & Sessions Judge, Kaithal to try and decide the case himself. This order has been passed only in the interest of justice. The file of case No.30 of 2017 shall stand transferred to the Court of learned District & Sessions Judge who is requested to conclude the trial within two months positively.

With these observations, the present petition is disposed of.

20.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No