

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

CRM No.M-38506 of 2018 (O&M)

Date of Decision: March 13, 2019

Ranjit Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Khushdeep Singh, Advocate for
Mr.G.S.Attariwala, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Vivek Salathia, Advocate
for respondents No.2 to 7.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 Cr.P.C. for transfer of trial of case FIR No.98 dated 22.08.2010 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Majitha, District Amritsar pending in the Court of learned JMIC, Amritsar, to any other Court of competent jurisdiction in the State of Punjab for fair and impartial justice to the petitioner.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.2 to 7 appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner mainly argued on one point that respondent No.2 Paramjit Singh is a practising Advocate at Amritsar, therefore, he is influencing the trial and trial of the case should be transferred.

On the other hand, learned State counsel as well as learned counsel for respondents No.2 to 7 argued that this is no ground for transferring the trial. They further argued that trial is conducted by learned APP, who is assisted by a senior Advocate engaged by the petitioner.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

It is settled law that criminal trial cannot be transferred in a routine manner and it should be transferred in very exceptional and extraordinary circumstances. Otherwise also, it is a FIR case and trial is to be conducted by the Public Prosecutor. Further, as argued, the petitioner being complainant, has also engaged private Advocate and no prejudice is being caused to him. Merely on the fact that respondent No.2 is practising as an Advocate, in no way, it can be held that Court is under influence of respondent No.2. Moreover, if the trial is transferred to some other District, then the witnesses have to go to that District to appear before the Court which will be inconvenient to the witnesses etc.

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

March 13, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No