

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

CRM No.M-41443 of 2017 (O&M)

Date of Decision: March 12, 2019

Jaswinder Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jasraj Singh, Advocate
for the petitioner.

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

Mr.Sudhir Kashyap, Legal Aid counsel
for respondents No.2 to 5.

INDERJIT SINGH, J.

Petitioner Jaswinder Kaur has filed this petition under Section 407 read with Section 482 Cr.P.C. against State of Punjab and other respondents, for transferring the trial of case FIR No.196 dated 20.11.2015 under Sections 364, 420, 406, 465, 467, 468, 471, 482 and 120-B IPC, registered at Police Station Sadar, District Kapurthala, pending in the Court of learned Addl. Sessions Judge, Kapurthala, to the competent Court at Hoshiarpur, where main trial of case FIR No.171 dated 20.11.2015 under Sections 302, 397, 201 and 34 IPC, registered at Police Station Sadar, District Hoshiarpur, is pending before learned Addl. Sessions Judge,

Notice of motion was issued. Learned State counsel appeared. As none has put in appearance on behalf of respondents No.2 to 5 despite service, therefore, Mr.Sudhir Kashyap, Advocate was appointed as Legal Aid counsel on behalf of respondents No.2 to 5, who appeared and contested the petition.

I have heard learned counsel for the petitioner, Legal Aid counsel as well as learned State counsel and have gone through the record.

From the record, I find that FIR No.196 dated 20.11.2015 under Sections 364, 420, 406, 465, 467, 468, 471, 482 and 120-B IPC was registered at Police Station Sadar, District Kapurthala, the trial of which is going on before learned Addl. Sessions Judge, Kapurthala and FIR No.171 dated 20.11.2015 under Sections 302, 397, 201 and 34 IPC, was registered at Police Station Sadar, District Hoshiapur, the trial of which is pending before learned Addl. Sessions Judge, Hoshiarpur.

Learned counsel for the petitioner contended that both the cases are connected. In both the cases, the vehicle is the same as well as accused are same and the trial pending before learned Addl. Sessions Judge, Kapurthala, should be transferred to competent Court at Hoshiarpur to avoid conflicting judgments.

The perusal of FIR No.196 dated 20.11.2015 shows that it has been recorded on the basis of secret information that accused Swaran Singh, Gurpreet Singh alias Gora, Harpreet Singh and Malkiat Singh had made a gang, who after preparing forged ID proofs, used to take taxi on rent from taxi stands and later on, they spray something on the face of the driver, making the driver unconscious and thereafter, they either throw the driver or kill him and take away the vehicle. Then, after preparing forged documents,

they used to sell vehicle further. On that also, in order to sell a snatched vehicle, Innova bearing registration No.PB-08BE-6005 is roaming in village Talwandi Mehma.

FIR No.272 of the same date i.e. 20.11.2015 was registered at Police Station Sadar, Hoshiarpur, on the statement of Satwinder Singh, in which the complainant stated that his eldest brother Darshan Singh, who is aged about 60-62 years, has Innova vehicle bearing registration No.PB-08BE-6005, for his personal use. On 18.11.2015, complainant's brother's friend Malkiat Singh @ Kala along with his friends Gurpreet Singh, Harpreet Singh, Swaran Singh had asked Darshan Singh to reach Jalandhar on 19.11.2015 for going to Mata Chintpurni and Jwalaji. Complainant's brother told this thing to the complainant in the morning that he is going with Malkiat Singh and aforesaid friends to Mala Chintpurni and Jwalaji and will return back home in the evening. Since, complainant's brother did not return till 20.11.2015 morning and his phone was switched off, therefore, complainant along with others started search of his brother on the way to Mata Chintpurni. When they reached around 1 km. from Manguwal, Vairiyan, Hoshiarpur, they saw continuous blood stains on the pakka road, upon which, they got suspicious and stopped the vehicle. When they searched around, they saw a dead body lying in the deep pit(*khud*). They went down and upon checking, they found that it was dead body of complainant's brother Darshan Singh.

The perusal of both the FIRs show that both the cases are connected one mainly regarding same occurrence and should be tried by one and the same Court in the interest of justice and to avoid conflicting

judgments.

Therefore, present petition is accepted. The trial of case FIR No.196 dated 20.11.2015 under Sections 364, 420, 406, 465, 467, 468, 471, 482 and 120-B IPC, registered at Police Station Sadar, District Kapurthala, pending in the Court of learned Addl. Sessions Judge, Kapurthala is orderd to be transferred to Court of Session at Hoshiarpur and be tried by the Court before which the trial of case FIR No.171 dated 20.11.2015 under Sections 302, 397, 201 and 34 IPC, registered at Police Station Sadar, District Hoshiapur, is going on and learned Addl. Sessions Judge, Hoshiapur, is directed to proceed with the cases as per law after issuing notice to the parties concerned. The parties are directed to appear before Court of Session, Hoshiarpur, on 08.04.2019. Learned Addl. Sessions Judge, Kapurthala, is directed to send the complete record to the Court of Session, Hoshiapur, well before the date fixed.

March 12, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No