

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-20490 of 2019

.....

Date of decision:06.05.2019

Harjit Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Anantdeep Singh Sandhu, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. read with Section 482 Cr.P.C. for transfer of criminal trial in FIR No.82 dated 19.06.2013 registered for the offences under Sections 419, 420, 465, 467, 468, 471, 120-B and 201 IPC at Police Station Baghapurana, bearing case No.CHI 0505 of 2014 titled as “State Vs. Parminder Singh and others” pending in the Court of Sub Divisional Judicial Magistrate, Baghapurana to any other competent Court of jurisdiction within District Moga.

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

I have gone through the order dated 1.2.2019 passed by learned Sessions Judge, Moga. A perusal of the record shows that the main grievance of the petitioner is that charges were not framed against two co-

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accused in spite of supplementary challan presented against them and the evidence of the complainant was recorded and he was asked by the Court to complete the statement before the decision of application filed under Section 319 Cr.P.C. All these facts have been mentioned in order dated 1.2.2019 passed by the learned Sessions Judge while declining the application. The learned trial Court in its comments has stated that due to inadvertence, the charges were not framed after the supplementary challans were presented against two accused whereas earlier the charges were framed against other accused and the case was fixed for prosecution evidence.

Keeping in view the above facts and the fact that the witness was also got cross-examined before the decision of the application filed under Section 319 Cr.P.C., cannot be held any ground for transfer of the case. The mere apprehension of the petitioner is also without any basis that the accused will be acquitted, therefore, it is also no ground for transfer of the criminal trial from one Court to another Court.

Therefore, the order dated 1.2.2019 passed by the learned Sessions Judge, Moga declining the application is correct and as per law and no ground is made out for transfer of the case.

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

May 06, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No