

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27097-2019 (O&M)  
Date of Decision:-01.07.2019.

Kamal Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

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Present: Mr. Abhishek K. Premi, Advocate for the petitioner.

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**RAJ SHEKHAR ATTRI, J.**

**CRM-19308-2019**

CRM is allowed as prayed for.

**CRM-M-27097-2019**

This is a case with regard to the rape upon a tiny tot, aged about 7 years - in her school premises where she along with her mother had gone to attend the school meeting - by none else but by the conductor of her school bus.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, accepts notice on behalf of the respondent-State of Punjab.

This petition has been filed under the provisions of Section 407 Cr.P.C. read with Section 482 Cr.P.C. for transfer of trial vide FIR No.95 dated 26.05.2019 registered under Sections 363, 376, 376-AB, 201 IPC,

Sections 6, 21 (2) of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice Act, 2015, at Police Station City Dhuri titled as State of Punjab Vs. Kamal Kumar and others from the Court of learned Sessions Judge, Sangrur to any other court of competent jurisdiction on the ground that this is a case of media trial and that petitioner apprehending threat to his life while attending the court proceedings.

Learned counsel for the petitioner has further submitted that no counsel is appearing on behalf of the petitioner. He also relied upon the judgment passed by Hon'ble Supreme Court in Satish Jaggi Vs. State of Chhattisgarh and others reported as **2007(2) RCR (Criminal), 116**.

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

In case the petitioner apprehends any threat to his life from the hands of any person, he may move an application before the trial court for his appearance through video conference and if his presence is not necessary before the trial, he may be allowed to appear through video conference from the jail.

So far as allegation with regard to media trial is concerned, the trial court has to decide the matter solely on the basis of substantive evidence adduced before it, albeit, this is no ground to transfer the case.

So far as argument with regard to non-appearance of a counsel is concerned, the petitioner may move an application before the trial court for providing him free legal aid and if such an application moved, the same be disposed of without unnecessary delay. The facts in the case of Satish Jaggi Vs. State of Chhattisgarh and others reported as **2007(2) RCR (Criminal), 116** are distinguishable.

No case is made out for transfer of the trial.

Dismissed.

(RAJ SHEKHAR ATTRI)  
JUDGE

July 01, 2019.  
sandeep

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|-----------------------------|-----------|
| Whether speaking/reasoned:- | Yes / No  |
| Whether Reportable:-        | Yes / No. |