

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

CRM M-33007 of 2019
Date of Decision: September 16, 2019

Rekha RaniPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Karan Jund Mullanpur, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

A case was got registered by way of FIR No. 132 dated 17.05.2018 under Sections 328, 354-B, 376, 452 and 511 IPC, Police Station Dera Bassi which is pending in the Court of learned Additional Sessions Judge, SAS, Mohali. The case was instituted by petitioner against one Gurwinder Singh. Through the present invocation by virtue of Section 407 of Code of Criminal Procedure, the petitioner has sought transfer of the trial from the Court where the matter is pending to some other Court. The primary grouse which forms the basis of this petition is that the accused was allowed bail by the Court below and claims that she is being pressurized by the accused for effecting a compromise and that her plea for cancellation of the bail as well as transfer

application under Section 408 of the Cr.P.C. stood declined and that the trial Court on account of non-compliance had issuedailable warrants of the PW's including the complainant.

Heard Mr. Karan J. Mullanpur, Advocate for the petitioner.

Merely, because the complainant has failed to put in appearance to testify leading to issuance ofailable warrants against the PW's including her brother or allowing the bail application by the Court below is no ground for entertaining such a prayer for transfer of the trial by invoking jurisdiction of this Court under Section 407 Cr.P.C. The counsel for the petitioner could not bring to the notice of this Court any cause for apprehension of the petitioner that there are sufficient and cogent reasons, whereby, she would be denied justice. As is there, the statement of the prosecutrix has been recorded and her cross-examination has been deferred and where she failed to appear necessitating such an order by the Court and apparently, it is a wholly misconceived stand as the petitioner appears more interested in getting the matter delayed and transferred rather than speedy disposal, in accordance with law. What one can gather from the records is that the petitioner is trying to hoodwink the law by levelling such insinuations and demean the administration of justice which are neither legitimate nor supported on the records. The petition being wholly meritless stands dismissed.

Keeping in view the amount of Court's time that has been wasted by the petitioner by filing such a frivolous transfer application as well as of the Lower Court, the ends of justice would meet, if the applicant/petitioner is burdened with special costs of Rs.10,000/-, which shall go to the District Legal Services Authority, District Mohali and would be a pre-condition.

Disposed off, accordingly.

September 16, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No