

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

CRM-M-41558-2019  
Date of Decision:-26.9.2019

SUKHWINDER KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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Present:- Mr. Rahul Kumar, Advocate  
for the petitioner.

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**GURVINDER SINGH GILL, J. (Oral)**

1. Th petitioner has approached this Court seeking transfer of the criminal trial arising out of FIR No.42 dated 9.11.2016 under Sections 376-D, 380, 323, 324, 452 & 542 IPC, Police Station Bheni Mian Khan from the Court of Sh. Prem Kumar, learned Additional Sessions Judge, Gurdaspur to some other District.
2. Learned counsel has submitted that conduct of the Presiding Officer is unfair, biased and discriminatory and was had hand in glove with the accused party and had disclosed his mind that he will dismiss all of her cases. It has further been submitted that the Presiding Officer while trying a

complaint under Sections 376, 354, 511, 452, 427 read with Section 34 IPC titled as State through Sukhwinder Kaur vs. Baljinder Singh @ Sabha & another and while acquitting the accused, had ordered for initiating proceedings against the complainant i.e. present petitioner for her prosecution under Sections 193/194, 211 IPC read with Section 195(i)(b) Cr.P.C. and under Section 340 Cr.P.C. and that in these circumstances the petitioner has no hope for any justice from the said Court.

3. I have heard learned counsel for the petitioner. The mere fact that the trial Court having found that the charges framed in another complaint had not been substantiated and having acquitted the accused while finding that the complainant had made a false statement, ordered for filing a criminal complaint against complainant would not *ipso-facto* mean that the Presiding Officer has not acted fairly. The assertions of the petitioner regarding the conduct of the procedure being unfair biased and discriminatory are not well founded and in these circumstances, this Court does not find any valid ground for transfer of the trial in question.
4. The petition is sans any merit and is hereby dismissed.
5. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**( GURVINDER SINGH GILL )**  
**JUDGE**

26.9.2019  
Gaurav Sorot

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|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |