

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

CRM-M-53714 of 2019

Date of decision: 16.12.2019

Ranjit Kaur @ Seema

....Petitioner

Versus

State of Punjab and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. AVS Barsat, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

This petition, at the hands of the petitioner calls into question of validity of impugned order dated 22.11.2019 passed by learned Sessions Judge, Patiala vide which the request of the petitioner for transfer of the complaint titled Ranjit Kaur @ Seema Vs. Ravinder Kumar filed under Section 138 of the Negotiable Instruments Act from the court of Ms. Indu Bala, learned JMIC, Patiala to some other court of competent jurisdiction has been declined.

The primary ground of the petitioner for transfer of the case was that in an earlier complaint filed under Section 138 of the Negotiable Instruments Act titled Avtar Singh vs. Ranjit Kaur, the said Court had convicted the applicant. It is the case of the petitioner that during the hearing of the present case, learned JMIC had observed that since the present case involves the identical issue, it would suffer similar fate.

Learned counsel for the petitioner states that once the Magistrate has expressed such remarks and as the petitioner has already been convicted in the previous, there is every apprehension of the petitioner

being convicted in the present case as well.

I have heard learned counsel for the petitioner perused the paper book.

A bare perusal of Section 407 Cr.P.C mandates that the case may be transferred only if a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto.

The purpose of the criminal trial is to dispense fair and impartial justice uninfluenced by extraneous considerations. However, a mere allegation that there is apprehension that justice will not be done in a given case does not suffice, in the absence of material to justify such apprehension. The grounds alleged by the petitioner cannot lead to an inference that a fair and impartial trial cannot be had. Any observation about the case made in the course of hearing arguments is only aimed at seeking clarification and are at best tentative. They can never be taken as expression of final opinion about the case.

There is no reason to interfere in the order declining the request of transfer.

Instant petition is dismissed.

December 16, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No