

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

**CRM-M-1801-2020
Date of decision:-16.1.2020**

Rakesh Kumar @ Jagroop Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.D.S. Randhawa, Advocate
for the petitioner.

H.S. MADAAN, J.

This petition under Section 407 Cr.P.C. has been filed by the petitioner – Rakesh Kumar @ Jagroop Singh seeking quashing of the impugned order dated 13.12.2019 passed by learned Sessions Judge, Fatehgarh Sahib vide which the application dated 4.12.2019 filed by the petitioner seeking transfer of case titled as “ State Versus Rakesh Kumar @ Jagroop Singh” has been dismissed. The petitioner further prays that the case may be transferred from the Court of Sh.Karanvir Singh, Judicial Magistrate Ist Class, Amloh to any other Court of competent jurisdiction.

According to the petitioner, he was falsely involved in FIR No.126 dated 8.11.2012 for the offences under Sections 419, 420 IPC registered with Police Station Amloh, District Fatehgarh Sahib. He was

also involved in another case bearing FIR No.41 dated 19.4.2013 for the offences under Sections 419 and 420 IPC registered with that police station. Subsequently, offences under Sections 465, 468 and 471 IPC were added. The allegations in both the FIRs are that petitioner had got prepared passport and got employment on the basis of matriculation certificate, which was in fact in the name of Rakesh Kumar son of Baldev Krishan, resident of village Pharala, Tehsil Banga, District Shaheed Bhagat Singh Nagar (Nawanshahar). In FIR No.126 dated 8.11.2012, the petitioner has been convicted by Sh.Karanvir Singh, JMIC, Amloh on 23.11.2019. Since both the FIRs are outcome of same set of allegations and complainant in both the FIRs are closely related, therefore, in the interest of justice the trial of FIR No.41 dated 19.4.2013 be got done by some other Court more particularly when Sh.Karanvir Singh, JMIC, Amloh has already made up his mind to convict the petitioner/accused.

The petitioner had approached learned Sessions Judge, Fatehgarh Sahib for transfer of the case but that application was dismissed. Therefore, the petitioner has approached this Court impugning the order passed by learned Sessions Judge, Fatehgarh Sahib and seek transfer of the case.

I have heard learned counsel for the petitioner besides going through the record and I find that there is no merit in the petition.

Every judicial officer is required to deal with a number of cases daily. The cases are decided as per facts on the basis of evidence available in light of the law on the subject. The judicial officer in question is not alleged to have any personal interest in the matter.

Therefore, it cannot be said that he has got a pre-determined mind in the matter. A judicial officer is always open to conviction. Merely because a case has been decided by a Judge in a particular manner does not mean that another case having some similarity as regards the facts and evidence adduced would necessarily be decided in the same manner. Every case is to be decided on its own facts and circumstances keeping in view the law on the subject. Thus, learned Sessions Judge has rightly declined the request for transfer of the case.

I do not find any illegality and infirmity in the said order. I do not see any reason to transfer the case.

Therefore, the petition is found to be without any merit and is dismissed accordingly.

16.1.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No