

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9693-2019

Date of decision : 10.12.2021

Bhupinder Singh Sawhney

... Petitioner

Versus

Ms.Simrita Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.S.S.Sarwara, Advocate
for the petitioner.

Mr.Sahil Khunger, Advocate
for respondents no.1, 2, 5 and 6.

VIKAS BAHL, J.(ORAL)

This is a petition unde Section 482 Cr.P.C. for quashing of the
order dated 19.12.2018.

Learned counsel for the petitioner has submitted that the
petitioner is an accused in 19 different complaints under Section 138 of the
Negotiable Instruments Act, 1881 (in short "N.I.Act") and the same are
pending in different Civil Courts at Rajpura. It has been further submitted
that the petitioner had moved an application dated 10.10.2018 before the
Sessions Judge, District Court, Patiala, unde Section 410 Cr.P.C. for
withdrawal / transfer of 19 cases and assigning the same in one Court. The
District Judge, Patiala, vide order dated 19.12.2018, had rejected the said
application by observing that the complainant in all the cases is different

and the controversy involved in the said cases is not interconnected and merely because the petitioner is common accused in all the complaints, this would not be ground to transfer of the said cases to one Court. It has also been submitted that in the present case, only two attorneys on behalf of the different complainants have filed all the complaints under Section 138 N.I. Act. Learned counsel for the petitioner has submitted that it would also be in the interest of the complainant if all the cases are transferred to one Court.

Learned counsel for the complainant, on the other hand, has submitted that the present petition has been filed only to delay the proceedings under Section 138 N.I. Act. It is submitted that the cases which have been filed are at different stages and there is no link or connection between the said complaints filed against the petitioner and thus, the order dated 19.12.2018 is absolutely legal and in accordance with law.

This Court has heard learned counsel for the parties.

It is not in dispute that out of 19 cases, in two cases there is one complainant and the other 17 cases, complainants are different. The cheques in question are also different. Merely because the petitioner is accused in all the cases and the complainants have filed these cases through some common attorney, that would not be a ground to transfer the said cases to one court. No judgment has been shown to this Court to show that at the behest of a common accused in cases filed by different complainants, where the matter is pending in different Courts and is at different stages, the transfer of cases can be made to one Court. In case the present proceeding as well as any order consolidating all the complaints, could delay the proceedings in various complaints inasmuch as any adjournment sought in

one case could be made the basis to seek adjournment in other cases also.

Keeping in view the above said facts and circumstances, the present petition is dismissed.

(VIKAS BAHL)
JUDGE

December 10, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No