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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16810-2021

Date of Decision: 22.04.2021

Amandeep Bhumbra

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 407 Cr.P.C. for transfer of proceedings of case No. CHI/128 dated 2018 titled as *State of Punjab Vs. Sanjeev Kumar etc.* in FIR No.11 dated 11.02.2016, under Sections 406 and 498-A IPC,1860, Police Station City-II Abohar, District Fazilka from the Court of Id. Jaspreet Singh Minhas, JMIC, Abohar to any other Court of competent jurisdiction at Abohar, Fazilka.

Learned counsel has argued that the petitioner is a practising Advocate, who is having a matrimonial dispute with her husband Sanjiv Kumar. It is pointed out that on the basis of complaint by the petitioner, a case FIR No.11 dated 11.02.2016, under Sections 406 and 498-A IPC, 1860 was registered at Police Station City Abohar against her husband and others, and the trial is progressing before the Court of Jaspreet Singh Minhas, JMIC, Abohar . Learned counsel has submitted that since the Presiding Officer has shown favour towards opposite party, therefore, the petitioner has a reasonable apprehension that she may not get justice. Learned counsel

has submitted that an application was made before the CJM, Fazilka for transfer of the case and in response, the opposite party did not object to the transfer of the case, but the prayer was declined vide order dated 25.03.2021.

Learned counsel further submitted that on few occasions, the presence of the complainant/petitioner was not recorded by the trial Court and in this regard, he has invited the attention of the Court to the zimni orders (Annexures P-2 to P4). He prays that the case be transferred to some other Court.

After hearing the learned counsel, this Court finds that the CJM, Fazilka, upon an application moved by the petitioner, had called for the response from the Presiding Officer and after considering the same, it was found that it is the complainant, who despite her service for her examination as a witness, is avoiding appearance before the Court since 1st November, 2019 and the trial Court was compelled to issueailable warrants to secure her appearance as a witness. It is noticed in the order dated 25.03.2021 that she is repeatedly filing her application for exemption from personal appearance. Merely because the opposite party has not objected the prayer for transfer of the case, it would not be a valid ground to transfer the trial proceedings. It is apparent that the petitioner is adopting the delaying tactics to prolong the trial and the present petition under Section 407 Cr.P.C. for transfer of the case to some other Court of competent jurisdiction at Abohar, Fazilka, is another step towards her object.

Resultantly, this Court does not find any valid ground for transfer of the case No.CHI/128/2018 titled as *State of Punjab Vs. Sanjeev*

Kumar etc.

Dismissed.

22.04.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No