

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

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CRM-M-19833-2021

Date of Decision : July 30, 2021

RAMANDEEP KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parvesh Kumar Banwal, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure for transfer of the trial of the case No. 100 dated 26.8.2020, under Sections 306 and 34 IPC, Police Station City, Nakodar which is pending in the Court of learned Additional Sessions Judge, Jalandhar to Mansa.

The learned counsel for the petitioner has submitted that it is a case where the husband of the petitioner had died and the present FIR was registered under Sections 306 and 34 IPC. Thereafter the petitioner has started living at Mansa but the trial is taking place at Jalandhar because the FIR was registered at Police Station City, Nakodar which falls in the jurisdiction of Jalandhar. He has submitted that the petitioner is a witness in the aforesaid case and she being a widow and helpless poor lady, cannot go to Jalandhar for the purpose of deposing. He referred to para No.5 of the petition whereby it has been stated by the

petitioner that the petitioner is having threats to her life and liberty at the hands of the accused persons as they are politically influential. He has further submitted that in view of the aforesaid reasons, the trial of the case be transferred from Jalandhar to Mansa.

On 14.7.2021, learned State counsel was asked to seek instructions as to whether there is any mechanism of the State Government to provide financial help in such like cases and in such like situation.

Today, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has filed a Witness Protection Policy of 2018 through e-mail since the matter is being taken up through Video Conferencing. A print out of the same is taken on record as mark-X and the Registry is directed to tag the same alongwith the paper book. He has further submitted that the Witness Protection Policy of 2018 has been framed by the Government of Punjab on the basis of National Level Policy as the subject-matter was also before the Hon'ble Supreme Court in **Mahender Chawla and others Vs. Union of India**, Writ Petition (Criminal) No.156 of 2016. He submitted that a perusal of the policy would show that the policy is meant only for this purpose by which the threat perception is to be analyzed and not only protection is to be provided but also escort is to be provided to and from the Court and the provision of Government vehicle or a State funded conveyance for the date can also be provided and full mechanism has been provided in the aforesaid policy. He has further submitted that in view of the aforesaid policy no ground is made out for transfer of the trial.

I have heard learned counsels for the parties.

The grievance of the petitioner is that she is living in District Mansa and the trial is pending at Jalandhar and she has threats from the accused persons as the petitioner is the witness and she also does not have any means to go to Jalandhar for deposing as a witness and, therefore, these are the grounds for seeking transfer of the case.

However, a perusal of the policy which has been filed by learned State counsel would show that the petitioner can always file an application before the competent authority i.e. Member Secretary, Punjab State Legal Services Authority in this regard and apart from the same as per clause 6 of the policy the said application can also be filed before the Secretary, District Legal Services Authority concerned as per area jurisdiction alongwith supported documents and vide Clause 8 of the policy types of protection have been provided and Clause 8(i) provides for escort to and from the Court and provision of Government Vehicle or a State Funded conveyance for the date of hearing.

In view of the comprehensive policy provided by the State of Punjab, the petitioner shall always be at liberty to approach the Secretary, District Legal Services Authority of the area concerned or the competent authority as provided in the policy. In the present case, the petitioner is living at District Mansa and, therefore, she can always approach the Secretary, District Legal Services Authority, District Mansa for invoking the aforesaid policy and to provide not only security but also to arrange the vehicle going to and from the Court for the purpose of deposing as a witness at Jalandhar.

No other ground is made out in the petition for the transfer of the case and, therefore, it would not be proper for this Court to transfer the case only on the ground that the petitioner is unable to go to the Court at Jalandhar for deposing as a witness because from 2018 onwards the Witness Protection Policy has come into operation.

In view of the above, the present petition is disposed of. The petitioner shall at liberty to file an appropriate application before the District Legal Services Authority, Mansa and in the event of doing so, it is directed that the Secretary, District Legal Services Authority, Mansa, shall consider the application filed by the petitioner in accordance with the policy promptly. The District Legal Services Authority, Mansa shall also co-ordinate with the District Legal Services Authority, Jalandhar and process the application as expeditiously as possible and in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

July 30, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No