

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 33027 of 2021
Date of Decision: 25.11.2021**

PawanPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Sukhchain Singh Gill, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. On the request of the learned counsel for the petitioner, Mr. Lakha Ram, Ex-President of Bar Association, Palwal, is added as co-respondent in the memo of parties, in the instant petition.
2. Registry to make necessary addition in the memo of parties.
3. Through the instant petition, the counsel prays for transfer of Sessions trial No. SC/55/2021 dated 09.2.2021, arising out of FIR No. 126 dated 28.12.2019, registered at Police Station Mundkati, District Palwal, carrying therein offences under Sections 148, 149, 341, 427, 302, 201 IPC and under Sections 27 and 3(3) of the Arms Act, from the Court of the learned Additional Sessions Judge, Palwal to the District Courts Gurugram, or to any other adjoining district.
4. The reason which has been meted in the petition, to constrain this Court to make the afore order, is that the complainant one Lakha Ram,

who is added as respondent No. 2 in the petition, and, also was the earlier President of Sub Divisional Bar Association, Hodal, a part of District and Sessions Division Palwal, hence influencing the District Bar Association, Palwal, to move a resolution for stalling the functioning of the Courts at Palwal, unless and upto the son of co-respondent No. 2, being forthwith arrested by the police authorities.

5. In pursuance to the afore resolutions, the police authorities arrested the accused in FIR (supra). Consequently, the afore made grievance of the petitioner, that in the wake of the afore resolutions, there is every likelihood of the members of the Bar Association at Palwal, obstructing and interfering in the fair and impartial manner of dispensation of justice, to all stakeholders concerned, by the learned Additional Sessions Judge, is completely dispelled. Moreover, also when no resolution thereafter, has been either moved nor is placed on record hence making underlinings, that in case the accused is not convicted, the members of the District Bar Association, Palwal shall obstruct or stall the judicial proceedings at the Courts existing at Palwal. Therefore, it does not sound well to reason or to judicial wisdom, to construe merely on the basis of resolutions passed, much earlier from today, that hence there is any likelihood of any obstruction, being caused in the fair trial, being made upon FIR (supra) by the learned Additional Sessions Judge. Consequently, even otherwise, since there is no further material existing on record, attributing malafides or prejudice by the learned Judge against the accused, thereupon also, this Court does not deem it fit and proper to grant relief to the petitioner.

6. Lastly since Mr. Lakha Ram, appears in person, has made a statement, without oath, before this Court, that he shall not beseech any of

the bar members of the District Bar Association, Palwal to obstruct the appearance, before the learned Additional Sessions Judge concerned, of Mr. Kuldeep Yadav, Advocate, thereupon believing his afore statement, made before this Court, without oath, this Court also expects from the District Bar Association, that the afore defence counsel shall not be obstructed, in his appearing on behalf of the accused, before the learned Additional Sessions Judge concerned, in the sessions trial, arising out of the FIR (supra).

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

November 25, 2021
Gurpreet

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