

CRM-M-46271-2021 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46271-2021 (O&M).
Decided on: November 3, 2021.

Karan Rampal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**PRESENT: Mr.Kartar Singh Malik, Advocate,
for the petitioner.**

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 407 Cr.P.C. for the transfer of case/appeal bearing No.CRA/447 of 2018 titled as 'Anil Rampal Vs. State of Punjab,' from the Court of learned Additional Sessions Judge, Amritsar to any other District of Punjab for deciding the appeal of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner along with another co-accused namely Anil Rampal were convicted in a case bearing FIR No.132 of 27.7.2011, under Sections 323, 324, 326 and 452 IPC registered at Police Station Chheharta, District

Amritsar, and thereafter the petitioner preferred an appeal against the said judgment of conviction which is now fixed for hearing on 9.12.2021. He submitted that the petitioner is continuously receiving threats on behalf of the complainant that the petitioner will not get justice from the learned Appellate Court, Amritsar. He has submitted that the complainant is a practicing Advocate at Amritsar District Courts and his name is mentioned in the directory of Amritsar Bar Association as Sahil Rampal and the local Bar Association is under his pressure and that the petitioner will be convicted after pressurising the learned Appellate Court. The local Bar Association of Amritsar District Courts was also pressurizing the counsel for the petitioner not to appear before the learned trial Court and therefore, the petitioner had to change his counsel again and again and there is one another counsel who is appearing before the learned Appellate Court and the petitioner has apprehensions that he cannot get justice from the Courts at Amritsar. He submitted that since the complainant is a practicing Advocate at District Courts, Amritsar, his case may be transferred outside Amritsar District Courts so that he may engage some other counsel and get justice. Learned counsel for the petitioner has submitted has referred to the judgment passed by this Court in case **Dr.Kamal Satyarthi Vs. State of Haryana, bearing number CRM-41897-M of 2001 decided on 7.5.2002**, to contend that in that case this Court had transferred the case to another District Court since nephew of the complainant was a practicing Advocate at District Courts where the case was pending to infuse faith in the

petitioner as to fair trial.

I have heard the learned counsel for the petitioner.

The petitioner along with another co-accused was convicted by the learned trial Court and the said judgment has been assailed by the petitioner before the learned Appellate Court, Amritsar. Another convict namely Anil Rampal has died as is evident from the order dated 5.9.2021 (Annexure P-2). The petitioner has annexed grounds of appeal dated 12.10.2018 (Annexure P-1) and it has been filed through two advocates namely Sh.A.P.S.Grover and Sh.Randhir Sharma. The petitioner has also annexed two more orders Annexures P-2 and P-3 dated 3.9.2021 and 18.10.2021 respectively and in both the orders presence of Sh.Amanpreet Singh Grover, Advocate, has been recorded even after a period of about three years from the date of filing of the appeal. Therefore, it is clear that the petitioner is being represented constantly in the appeal by the counsel of his choice. The ground taken by the petitioner in the present petition that he has apprehension that he will not succeed in appeal because the complainant is a practising Advocate and is pressurizing the local Bar Association is not sustainable. The allegations made by the petitioner are totally unsubstantiated and there is no sufficient material to show as to how he will not be able to get justice from the learned Appellate Court. The plea taken by the petitioner that the local counsel is under pressure of the Local Bar Association is also not sustainable because the appeal has been filed through counsel and vide Annxures P-2 and P-3, the counsel is continuously

appearing before the learned appellate Court. It is settled law that transfer of a case cannot be done at the drop of a hat and very strong reasons should be there for entertaining such a plea of transfer and it cannot be done merely on conjectures and surmises otherwise it will have adverse effects on the justice delivery system. A perusal of the judgment in case **Dr.Kamal Satyarthi (supra)** relied upon by the learned counsel for the petitioner would show that it was in the facts and circumstances of that case that this Court had transferred the case as it was stated by the petitioner of that case that he was unable to engage counsel of his choice at Faridabad because of the pressure of the Advocate related to the complainant. However, in the present case, the petitioner was represented by the learned counsel of his choice not only before the learned trial Court but also is being represented by the counsel of his choice before the learned Appellate Court and therefore, the aforesaid judgment is distinguishable from the present case.

In view of aforesaid facts and circumstances of the present case, this Court does not deem it fit and proper to transfer the case from District Courts Amritsar to any other District Courts of Punjab. The petition being devoid of any merits is hereby dismissed.

November 3, 2021
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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