

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

CRM-M-23127 of 2022

Date of Decision: 25th May, 2022

Pankaj Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sanjeev Kumar, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This is a petition seeking transfer of the cases, titled as “State v. Vikram Singh” and “State v. Harvinder Singh” pending in the court of Additional Sessions Judge, Rewari to another competent court.

The application for transfer was dismissed by District Judge, Rewari holding that transfer was sought on the basis of apprehension.

The grievance raised was that the petitioner wanted to give his evidence in Hindi and secondly, the trial court is delaying the trial by giving more opportunities to the opposite party to carry on the cross-examination. It was further stated that the court was not co-operating.

The comments of concerned Presiding Officer were called by District Judge, wherein it was explained that cross-examination of the petitioner was recorded on 12.10.2021, the same could not be concluded till 5.40 PM and on the request of defence counsel as he wanted to put certain documents to the petitioner, the matter was adjourned to 15.11.2021 and on 25.11.2021, further cross-examination could not be recorded. It was also explained that questions were put to the petitioner in Hindi and thereafter those were translated in English.

The Supreme Court in **Madan Lal v. CBI/ACU-III New Delhi, 2004(3) RCR (Criminal) 849** has held that transferring a case

merely on the asking of an apprehensive litigant would not only lead to scandalising the court but browbeating the Presiding Officer also, thereby causing interference in the independent and fair administration of justice.

The transfer of cases is being sought on apprehension. Granting of opportunity to defence to cross-examine the complainant cannot be taken against the Presiding Officer. A fair opportunity has to be granted to the opposite party. No case is made out for transfer of the cases.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

25th May, 2022
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No