

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

**CRM Nos.6133 and 6134 of 2022 in/and
CRM-M-35635-2021
Date of decision : 25.02.2022**

Kuldeep Singh

.....Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.S. Momi, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-6133-2022

This is an application seeking preponment of the date of hearing in the main petition.

Application is allowed and the main case is taken on board today itself.

CRM-6134-2022

This is an application to stay the proceedings before the trial Court.

Learned counsel for the applicant/petitioner has not pressed the present application at this stage.

Dismissed being not pressed.

Main case

Petition has been filed under Section 407 read with Section 482 Cr.P.C. praying for transfer the case bearing No.SC 46-2020 titled as State Vs. Harwant Singh and others pending in the Court of Additional Sessions Judge, Amritsar arising out of FIR No.64 dated 19.06.2019, under Section 365 IPC, registered at Police Station Jhander, District Amritsar to any other court of competent jurisdiction outside the District Amritsar to ensure fair trial.

The precise submissions of the counsel for the petitioner is that in the present case there are 04 murders, out of which, one person was a practising lawyer at District Court, Amritsar. He submits that the petitioner approached this Court by way of this petition for the simple reason that he is not being allowed to be represented by a counsel of his choice before the trial Court as the District Bar has restrained the appearance of any Advocate of his choice. He has submitted that in case the protection is granted to the counsel engaged by the petitioner then in that eventuality, he has no objection to the ongoing trial at Amritsar. In view of the submissions made, I find the submissions made by the counsel for the petitioner is genuine one and rational. This Court vide order dated 31.08.2021 called report from the trial Court which has been received. A perusal of the same shows that the accused before the trial Court are being represented by their counsel as under:-

1. Accused Harwant Singh is represented by Sh. Amandeep Sharma, Advocate (Free Legal Aid Counsel).

2. Accused Sonu is represented by Sh. Amandeep Sharma, Advocate (Free Legal Aid Counsel) and Sh. H.S. Janjua, Advocate.
3. Accused Rashpal Singh is represented by Sh. Amandeep Sharma, Advocate (Free Legal Aid Counsel) and Ms. Rajni Joshi, Advocate.
4. Accused Kuldeep Singh is represented by Sh. Amandeep Sharma, Advocate (Free Legal Aid Counsel) and Sh. Gurpreet Singh Panesar, Advocate and Sh. Manjit Singh Bhatti, Advocate.

Heard.

Although the petitioner is represented by a Legal Aid Counsel and two other private counsels yet, if he wants to engage any other lawyer to represent him before the trial Court, then he has every right to do so.

The petition is disposed of with direction to the State to assess the threat perception as alleged and provide a protection to the counsel engaged by the petitioner for representing him before the trial Court. Learned trial Court would also ensure that no injustice is caused to the petitioner or his counsel and he is provided a free and fair trial.

Petition is disposed of in the abovesaid terms.

(RAJESH BHARDWAJ)
JUDGE

25.02.2022
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No