

In the High Court of Punjab and Haryana at Chandigarh
109

CRM-M-6164 of 2023 (O&M)
Date of Decision: 17.03.2023

Manisha

---Petitioner

versus

Karambir and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Parmod Parmar, Advocate
for the petitioner

Mr. J.P.Sharma, Advocate
for the respondent No. 1 and 2

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition under Section 407 read with Section 482 Cr.P.C., is seeking transfer of criminal case bearing No. CHI-150 of 2022 pertaining to FIR No. 95 dated 7.3.2021, under Sections 354-B, 498-A, 323, 406, 506 and 34 IPC (Section 354-B and 34 IPC deleted later on) registered at Police Station Kanina, District Mahendergarh pending in the Court of SDJM, Kanina to District Court at Jhajjar.

The brief facts of the case are that on the complaint of petitioner, aforesaid FIR came to be registered against the private respondents. The police conducted investigation and initially found the respondents innocent, however, after conclusion of investigation,

challan came to be presented against the respondents. The matter is pending before SDJM, Mohindergarh.

Learned counsel for the petitioner submits that police after completing investigation has filed its report under Section 173 Cr.P.C. and matter is fixed for consideration of charge.

Learned State counsel as well as learned counsel for private respondents submit that petitioner is required to be present before trial court for her examination-in-chief as well cross examination whereas respondents are required to be present on each and every date. The trial would certainly take long time. The official witnesses including investigating officer will have to travel from District Mohindergarh to District Jhajjar, thus, government machinery would be unnecessarily put to hassel. The investigating officer would not be able to assist the court in a proper manner.

Learned State counsel submits that in any case of threat perception to petitioner at the time of her appearance for examination, the jurisdictional police authorities will ensure protection of her life and liberty.

Learned counsel for the private respondents assures the court that they will not take any coercive steps against the petitioner as and when she would appear before the trial court.

I have heard learned counsel for the parties and perused the record.

In view of above facts and circumstances, this Court is of the considered opinion that there is no need to transfer trial from

District Mohindergarh to District Jhajjar. It is undisputed fact that petitioner being prosecution witness is supposed to be present in court for the purpose of her examination and cross examination whereas respondents being accused are supposed to be present on each and every date unless and until they are specifically exempted. The official witnesses including investigating officer are supposed to bring record as well be present for examination and cross examination. The transfer of trial from District Mohindergarh to District Jhajjar would unnecessarily increase cost of litigation qua respondents as well as prosecution.

In view of above stated facts and circumstances and statements of State counsel and counsel for private respondents, no further order is warranted.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

17.03.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No