

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

CRM-M-41009-2021

Date of decision:20.11.2023

Ranjit Singh and another

...Petitioners

VS.

State of Haryana and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arzoo Modi, Advocate for
 Mr. Mohd. Yousaf, Advocate
 for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Jasdev Singh Thind, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 407 of Cr.P.C. for transfer of trial of case bearing No.CIS No.CHI 570/2021 titled as “State of Haryana Vs. Ranjit Singh” pending in the Court of CJM, Jind in a case FIR No.343 dated 31.08.2020 (Annexure P-4) under Sections 420, 406 of IPC registered at Police Station Civil Line Jind, District Jind, Haryana from the Court of CJM, Jind (Haryana) to Court of CJM, Jalandhar (Punjab).

2. The FIR in the present case was registered on the basis of the complaint moved by several persons, namely, Sajjan Malik, Ramesh Chander Malik, Arun Kumar, Virender Kumar, Rajesh Kumar, Bijender Kumar, Subhash Chander, Naveen Kundu, Ram Mehar, Rakesh Kumar, Rajesh, Ajmerdeen, ramesh Redhu, Jogender Singh, Tejender Singh, Ombir Jaglan, Shamsher

Singh, Nishu, Deepak, Rajesh Kumar and Ravinder Singh. As per the complainants, the accused had started a marketing Company network “OLS Whizz Pvt. Ltd.”. The office of the Company was at Jalandhar. However, the Company used to sell the domestic articles to the customers. Apart from that, the Company used to take a sum of Rs.2,000/- per month for 11 months and used to promise the return of gold worth Rs.24000/- after one year. He was also alleged that the Company had taken a sum of about 16 crores from the customers. Apart from that, the Company had also taken a sum of Rs.90 lacs from 15 persons for getting them visa of USA.

3. Learned counsel for the petitioners contends that the petitioners are permanent residents of District Jalandhar and have been falsely implicated in several cases in Punjab. However, one FIR has also been registered at Police Station, Civil Lines, District Jind, Haryana. On the basis of the complaints moved by several persons, who are residents of District Jind. Near about 21 cases had been registered against the petitioner and about 19 cases had been registered at District Jalandhar. Since, similar allegations have been levelled by the complainants in the present case also, the trial of the present case may also be transferred from the Court of CJM Jind to CJM, Jalandhar. Still further, it has been alleged that there are 42,000 customers involved in the present case and in case, the petitioners appear before the Courts at Jind, they may be physically harmed by the customers there. Learned counsel further contends that in view of Section 407 of IPC, the trial may be transferred from the Court of CJM, Jind to the Court of CJM, Jalandhar.

4. On the other hand, learned State counsel has filed a detailed reply by way of affidavit of DSP, Head Quarter, Jind. Learned State counsel has

submitted that the petitioners as well as other accused were joined in the investigation and after conclusion of the investigation, the challan has already been presented before the Competent Court of law, at Jind. Learned State counsel further submitted that in the present case, most of witnesses/victims belonged to District Jind and now 15 witnesses, out of total 27 witnesses, have been examined by the prosecution and there would be no justification to transfer the case from the Court of CJM, Jind to CJM, Jalandhar. Learned State counsel further submitted that even though, the petitioners are facing various prosecutions in District Jalandhar, however, the cases mentioned in the list (Annexure P-2) at Jalandhar relate to different set of allegations levelled by different persons. The evidence in the said cases and the present case is entirely different. Apart from that, the material witnesses are from the District Jind, Haryana and the language spoken by the prosecution witnesses of the present case is different from the language of Jalandhar region. In the present case, the number of victims is also very high and in case, the trial is transferred from Jind to Jalandhar, it would cause great hardship not only to the victims of the case, but to the witnesses as well. Thus, when the trial is at the fag end, there is no justification in transferring the present case from the Court of CJM Jind to Court of CJM Jalandhar.

5. I have heard learned counsel for the parties and perused the record in the present case.

6. As per the provisions of Section 407 IPC, the criminal cases can be transferred from one court to another, if it appears to the High Court -(a) that a fair and impartial inquiry or trial cannot be had in any subordinate criminal Court or (b) some question of law of unusual difficulty is likely to arise or (c)

an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice.

7. In the present case, no doubt, 19 cases have been registered at District Jalandhar, but in the present case, most of the victims/witnesses belonged to District Jind. Even, it is apparent that huge money was collected by the petitioners from poor and rustic villagers. Even the language spoken by the prosecution witnesses of the present case is different from the language of Jalandhar region. Still further, the victims/witnesses of the present case are poor and rustic villagers and in case, the trial of the present case is transferred from the Court of CJM Jind to the Court of CJM, Jalandhar, they shall be put to great inconvenience and hardship. Apart from that, the allegations levelled in the present case and the cases registered in District Jalandhar may be similar, but the victims and the witnesses are entirely different. The cases in Jalandhar have been registered with regard to the cheating of persons, who were residing in the said area only.

8. Thus, no case is made out for transferring the case to CJM Jind to CJM, Jalandhar.

9. The present petition is dismissed.

(N.S.SHEKHAWAT)
JUDGE

20.11.2023
hemlata

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