

Varun Kumar	VS	...Petitioner
State of Punjab		...Respondent

Present:- Mr. Mukesh Mehra, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Additional A.G., Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 407 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeking transferring the proceedings in FIR No.240 dated 29.12.2019, registered under Section 342 of the Indian Penal Code (for short, ‘IPC’) at Police Station, B-Division Police Commissionerate, Amritsar pending in the Court of Learned Judicial Magistrate First Class, Amritsar to some other district outside Amritsar.

2. Learned counsel for petitioner submits that based on police complaint of petitioner, an FIR against serving police official SI Lakhwinder Singh has been registered. Accused police officer, in abuse of power threatened to involve the petitioner in a false NDPS case or any other criminal cases. He further submits that on account of continuous threats received by police officials, petitioner and his family had to shift from Amritsar to Delhi in the year 2019. They are still residing there. He further submits that the trial is pending before learned Judicial Magistrate First Class at Amritsar. Petitioner has every apprehension that the local police might implicate him in a false case at the instance of accused, as and when he goes to Amritsar to attend the court proceedings.

3. Notice of motion.

4. On advance service of copy of petition, learned State counsel appears, accepts notice on behalf of the respondent-State of Punjab and opposes the petition. He

submits that territorial jurisdiction cannot be altered at the whims and fancies of the complainant or the accused.

5. Heard.

6. Petitioner’s apprehension seems to be unfounded at this stage, inasmuch as, allegation is that the police official against whom he had filed a complaint, which resulted in registration of FIR under Section 342 of IPC, is since posted in Amritsar, therefore, he may be implicated in some false case when he goes to Amritsar for recording his statement in learned Court.

7. On a Court query, learned State counsel submits that accused-Sub Inspector Lakhwinder Singh is presently posted in Police Lines, Pathankot, which is more than 100 km away from Amritsar and challan has already been presented and upon verification it has been found that there is no such threat.

8. In view of the aforesaid, I find no grounds to interfere on the basis of unfounded apprehension of petitioner, as aforesaid.

9. In the parting, I may like to observe that petitioner is at liberty to seek appropriate fresh orders from the learned Trial Court qua his protection in the pending trial in case upon verification it is found that he is entitled to the same.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

03.08.2023
Vandana

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