

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2978-2024(O&M)
Date of decision : 29.01.2024

Vikas Singh Chhoker and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashok Aggarwal, Senior Advocate with
Mr.Mukul Aggarwal, Advocate
for the petitioner.

Ms.Rajni Gupta, Addl.A.G. Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a petition filed under Section 407 read with Section 482 Cr.P.C. for transfer of the proceedings of case no.COMI of 542 of 2023 titled as “Neeraj Chaudhary vs. State of Haryana” from the Court of the Chief Judicial Magistrate, Gurugram to any other District/Court in the State of Haryana. Other prayers have also been made in the present petition.
2. Learned senior counsel for the petitioner has very fairly submitted that the petitioner would first approach the District and Sessions Judge, Gurugram, under Section 408 Cr.P.C. for seeking transfer of the case and has made a limited prayer that in case of the petitioner moving the said application till 31.01.2024 along with the application for stay, the District and Sessions Judge, Gurugram be directed to decide the main application for transfer or at least the application for stay on or before 05.02.2024 since the case is fixed before the Chief Judicial Magistrate, Gurugram, for

05.02.2024 and to also decide the main application as expeditiously as possible.

3. Keeping in view the abovesaid facts and circumstances and the limited prayer made on behalf of the petitioner, the present petition is dismissed as withdrawn with the following directions:-

- i) The petitioner is granted liberty to file an application under Section 408 Cr.P.C. before the District and Sessions Judge, Gurugram, raising all the pleas as are available to the petitioner, in accordance with law.
- ii) In case the said application is filed along with the application for stay on or before 31.01.2024, then the District and Sessions Judge, Gurugram is directed to consider the application for stay and pass appropriate orders thereon upto 02.02.2024 as the case is stated to be fixed before the Chief Judicial Magistrate, Gurugram, for 05.02.2024.
- iii) The District and Sessions Judge, Gurugram, is also directed to decide the main application as expeditiously as possible.

4. It is made clear that this Court has not opined on the merits of the case and the District and Sessions Judge, Gurugram, would consider the application for stay as well as the main application, independently, in accordance with law.

5. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

January 29, 2024.
Davinder Kumar

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