

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-6364-2024(O&M)
Date of Decision:-07.02.2024

Prem Chand and another ... Petitioners
Versus
Gurcharan Singh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramnish Puri, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

1. The instant petition has been filed under Section 407 read with 482 Cr.P.C. praying therein for transfer of the following two complaints to a same Court in Amritsar:
 - i. NACT No. 97 of 2016 titled as Gurcharan Singh Vs. Prem Chand (CNR No. PBASA10009422016) with filing No. 1025/2016 pending before Ld. JMIC, Ajnala for 07.02.2024 (Annexure P-1).
 - ii. NACT No. 2758 of 2016 titled as Jaideep Singh Bedi Vs. Mohan Singh (CNR No. PBAS0300632 22016) filing No. 6714/2016 pending before Ld. JMIC, Amritsar for 13.02.2024. (Annexure P-2).
2. Learned counsel for the petitioner submits that in the instant case the accused in one of the cases is Prem Chand and the accused in another case is his son namely Mohan Sham Verma @ Mohan Sham and it is a matter which has arisen on account of misuse of security cheques, which the aforesaid accused/petitioners had given to Ram Lubhaya who had earlier extended a loan to petitioner No.1. It has been submitted that subsequently, despite the

said loan having been repaid, the cheques in question have been misused by the respondents by instituting complaints under Section 138 Negotiable Instruments Act, based on absolutely false allegations.

3. This Court has considered the submissions addressed before the Court.
4. A perusal of both the complaints annexed as Annexures P-1 and P-2 would show that not only the complainants but even the respondents are entirely different and so are the allegations levelled in both the complaints which pertain to different transactions. The mere fact that the accused in both the cases happen to be father and son would not furnish any ground for transfer of the matters to one Court.
5. Further, this Court finds that petitioner had earlier moved an application for transfer of the cases by way of moving an application before the Chief Judicial Magistrate, Amritsar, which was declined vide order dated 06.11.2022. Although, the petitioner preferred a revision petition before the learned Sessions Judge, Amritsar but the same had also been dismissed vide order dated 22.11.2023 (Annexure P-12).
6. In view of the aforestated position, particularly the fact that there is no such similarity in the facts of the cases and even the complainants or the accused can not be said to be common, there is no ground to warrant transfer of the cases as prayed for.
7. The petition is sans merit and is dismissed.

07.02.2024

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No