

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6366-2017 (O&M)
Date of Decision : 13.02.2024

RAJIV SAINI AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Aman Rani, Advocate,
for the petitioners.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. The instant petition has filed under Section 407 read with Section 482 of the Cr.P.C., seeking transfer of criminal proceedings in FIR No.44, dated 10.03.1994, under Section 406, 420, 467, 120-B of the IPC, registered at Police Station Kotwali, District Ludhiana, from District Court Chandigarh to District Courts at Ludhiana.

2. Learned counsel for the petitioners submits that the above prayer has been made on the ground that petitioner no.1, is suffering from various health issues, and financial difficulties, and therefore, it is difficult for the petitioner to join proceedings in District Courts at Chandigarh.

3. Learned counsel for the petitioner further submits that though the personal appearance of petitioner no.2, has been exempted, yet to pursue the case through counsel at Chandigarh, would be difficult, because of the reason that both the petitioners are permanent residents of Ludhiana.

4. It was further argued by learned counsel for the petitioners that the instant FIR was registered at police station at Ludhiana, therefore, the present matter should be tried before the JMIC, having territorial jurisdiction over the said police station.

5. It was also submitted that this Court in CRM-M-41597-2013, vide order dated 04.09.2014 (Annexure P-1), had transferred this matter from the Courts at Ludhiana to the Courts at Chandigarh, however, at that point of time the present petitioners were not a party to that litigation, therefore, they could not oppose the said transfer.

6. This Court has heard leaned counsel for both the parties, and has gone through the entire case file.

7. In pursuance to the notice issued by this Court, a reply dated 23.02.2023, by way of an affidavit of Sh. Ramandeep Singh Bhullar, ACP (Central), Ludhiana, was filed by the State, wherein, the asked for relief was opposed on the ground that the instant petition has been filed just to delay the criminal proceedings, as earlier the matter was transferred on a petition filed by a co-accused from Courts at Ludhiana to Courts at Chandigarh. Further, in the reply, the instant petition was sought to be dismissed on the ground that no plausible reason has been given for transfer of the matter from Courts at Chandigarh to Courts at Ludhiana.

8. This Court specifically directed the State to file a status report with regard to the stage of the trial proceedings. Upon which a status report dated 26.09.2023, by way of an affidavit of Sh. Sukhnaaz Singh, ACP (Central), Ludhiana, was filed, wherein, it was disclosed that

the instant FIR was infact registered against 11 accused, out which one accused namely Smt. Bala, was declared innocent, whereas, two accused Narinder Saini and Rattan Singh, died during investigation, and final report was filed only against 8 accused persons including the present petitioners. The status report (*supra*) further reveals that two more accused, i.e. Vinod Kumar and Amar Kaur, has also unfortunately died, and now only six accused are facing trial in the FIR (*supra*).

9. It is further been stated in the reply(*supra*), that the entire prosecution witnesses have been examined by the learned trial Court concerned, and further, the statements of accused persons under Section 313 Cr.P.C.have also been recorded way back on dated 27.02.2019,

10. Considering the above facts that the trial has already been concluded and statements of accused persons (present petitioners), has already been recorded, and earlier, this Court vide order dated 04.09.2014 (Annexure P-1), had transferred the trial of the case from Courts at Ludhiana to Courts at Chandigarh, this Court does not find any reasons to review the order passed by the co-ordinate Bench, and re-transfer this matter to Courts at Ludhiana.

11. Consequently, the instant petition is hereby **dismissed**, being bereft of any merits.

12. All pending application(s), if any, also stands disposed of.

February 13, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No