

2024:FHHC:094819



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.297

**CRM-M-39109-2021 (O&M)
Date of decision : 25.07.2024**

Vikramjit Singh @ Vikram and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Shifa, Advocate for
Mr. G.S. Nahel, Advocate, for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Aditya Sanghi, Advocate, for respondent No.2.

KIRTI SINGH, J. (Oral)

1. By way of the present petition filed under Section 407 Cr.P.C. read with Section 482 Cr.P.C. prayer has been made for the transfer of case No.CHI/526/2021 titled as 'State of Punjab Vs. Vikramjit Singh @ Vikram etc.' arising out of FIR No.63 dated 21.04.2021 under Sections 460, 394, 34 & 188 IPC, registered at Police Station Lahori Gate, Patiala pending before the learned Judicial Magistrate First Class, Patiala to any other trial Court in the State of Haryana.

2. Learned counsel for the petitioners *inter alia* submits that the petitioners have been falsely arrayed as accused in the above-stated FIR and the same was registered on the statement of Harry Singla (respondent No.2). In pursuant to the registration of the FIR, the petitioners were nominated as accused and thereafter, they were arrested during investigation and thereafter, challan was presented under Section 173 Cr.P.C. on 05.07.2021.

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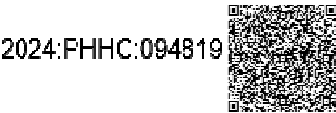
3. Further, it has been argued by learned counsel for the petitioners that the deceased in the said case i.e. Smt. Kamlesh Singla is the mother of the complainant/respondent No.2-Harry Singla who has practicing as an advocate at District Courts, Patiala and holds a great influence in the District Bar Association, Patiala.

4. It has been further contended that due to this fact, no advocate from the District Bar Association, Patiala is agreeing to defend the petitioners and the legal representatives of the petitioners approached number of advocates to represent and proper defend the petitioners, however, they flatly refused to get engaged citing that no advocate from the Bar Association, Patiala will appear on behalf of the petitioners to defend them as the deceased in the said case was the mother of an advocate.

5. Therefore, the petitioners have filed the present petition seeking transfer of the criminal trial outside from the State of Punjab to the State of Haryana on the ground that the complainant-respondent No.2 is a practicing advocate in the District Court, Patiala.

6. Learned State counsel on instructions from the concerned investigating officer submits that the trial is proceeding in a fair & just manner and out of total 39 prosecution witnesses, 13 prosecution witnesses have been examined till date and only the official witnesses are to be examined.

7. *Per contra*, learned counsel for respondent No.2 has vehemently argued that admittedly, in the present case, the petitioners had committed a heinous crime under Sections 302, 460, 394, 188 and 34 IPC and furthermore from the perusal of the zimni orders, which have been



duly represented through advocate(s) and they are properly contesting the case and the present petition is nothing but the sheer abuse of the process of law.

8. Heard the rival submissions made by learned counsel for the parties.

9. Learned counsel for respondent No.2 has placed on record copies of zimni orders as Annexures R1 and from the perusal of the said zimni orders, it can be clearly seen that the petitioners had been duly represented through their advocate(s) and the petitioners are properly defending their case. Further, out of total 39 prosecution witnesses, 13 prosecution witnesses have been examined and the trial is progressing in a fair and impartial way. Accordingly, this Court is of the view that no ground is made out for transfer of the case and the present petition stands dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

25.07.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No