

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-64019-2024
Date of decision: 18.12.2024

GAUTAM GUPTA

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashok Giri, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 447 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for transfer of criminal trial in case titled as State vs. Gautam Gupta pending in the Court of learned Special Judge, NDPS-cum-Addl.Sessions Judge, SAS Nagar, Mohali, arising out of case FIR No.7 dated 15.01.2023 under Sections 22/27 of the NDPS Act, registered at Police Station Lalru, District SAS Nagar Mohali to the Court of competent jurisdiction at District Court, Rupnagar as connected matter bearing FIR No.8 dated 20.01.2023 under Sections 365, 328, 120-B of the IPC, registered at Police Station City Morinda, District Rupnagar is pending at District Courts, Rupnagar.
2. Learned counsel for the petitioner has contended that the FIR in question is a consequence of personal enmity and an attempt at retaliation. It has been further submitted that there exists a protracted and acrimonious dispute between the petitioner's family and one Anil Joshi; the



present FIR has been lodged at the behest of Anil Joshi to settle personal scores. It has also been submitted that the petitioner has been falsely implicated in the present case for having been found in possession of intoxicant injections. Still further, learned counsel has submitted that the petitioner was kidnapped at the instance of Anil Joshi around the time the FIR in question was lodged; this FIR is in retaliation to cases previously registered against Anil Joshi at the instance of the family of the petitioner. It has thus been prayed that since a trial involving the same parties is already pending before the trial Court at Rupnagar, hence the present FIR also be clubbed/transferred with the said pending trial so as to avoid conflicting judgments.

3. I have heard learned counsel for the parties and have perused the relevant material placed on record.

4. The contention of learned counsel for the petitioner of long standing enmity and alleged false implication cannot be delved into while deciding the present petition seeking transfer of the case, which is pending before the learned trial Court at SAS Nagar, Mohali, to the Court of competent jurisdiction at Rupnagar. It needs to be emphasized that allegations of personal vendetta alone cannot suffice to transfer or consolidate trials, particularly when the cases arise out of distinct FIRs and involve separate legal issues. Hence, the prayer to consolidate the trial arising out of the present FIR with the pending trial at Rupnagar cannot be accepted in the absence of a clear nexus between the two proceedings.



The learned counsel has, therefore, not demonstrated any compelling reason to justify the transfer of the trial to the trial Court at Rupnagar. The apprehensions expressed by the petitioner appear to be speculative and do not merit the extraordinary relief sought.

5. Accordingly, the instant petition is hereby dismissed.

December 18, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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