



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

Sr. No.115

CRM-M-18493-2025

Date of Decision: 04.04.2025

Sushila Saini

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Supriya Garg, Advocate, for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking transfer of the proceedings in case FIR No.187 dated 24.10.2010, registered under Sections 147, 148, 323, 452, 506 and 325 of the IPC, at Police Station Bilaspur, District Gurgaon, from the Court of Sub Divisional Judicial Magistrate, Pataudi, District Gurugram, Haryana, to any other district of Haryana, or preferably Chandigarh.

2. Learned counsel for the petitioner has sought transfer of the proceedings to another Court on the ground that, vide order dated 15.01.2025, on the request of learned counsel for the complainant/petitioner as well as learned counsel for the accused to grant one adjournment keeping in view the probability of compromise between the parties, the proceedings were adjourned. It is contended that the petitioner was never inclined to compromise the matter, nor were there any chances of compromise with the



accused, still the trial was adjourned. Aggrieved, she moved an application, dated 12.03.2025, Annexure P-8, against it making the following averments:

3. That it is important to mention here that neither the complainant nor his counsel ever sought an adjournment on the basis of compromise and it is also important to mention here that the complainant never initiated for compromise/settlement, no compromise/settlement has been effected between the parties and even there are no chances of compromise between the parties.

2.1. The application was dismissed by the trial Court vide order dated 12.03.2025, with the following observations:

4. Having heard the respective contentions raised by learned counsel for complainant as well as learned defence counsel and having perused the case file very carefully, this court is of the considered view that the present application is liable to be dismissed as in the zimni order dated 15.01.2025, it is nowhere mentioned by the Court that complainant had initiated for compromise rather on the request of learned counsel for complainant as well as learned defence counsel, the court had given one date as counsel for complainant as well as counsel for accused requested for a date on the ground that there may be probability of compromise between the parties and the matter was adjourned for the next date for apprising the court about the outcome of compromise as well as for consideration on other misc. applications. Furthermore, the proceedings which had taken place on 15.01.2025 have been mentioned in the zimni order dated 15.01.2025. Moreover, if complainant was aggrieved by this order then she could have availed the remedy as available to her and she cannot seek the rectification in the order dated 15.01.2025 passed by this Court under the provisions of Law. Hence, the present application being devoid of merits stands dismissed.

2.2. Learned counsel has further contended that one of the accused is a sitting MLA of Pataudi, another is an ex-member of Zila Parishad, and the third one is ex-Sarpanch. This is another reason the trial should be



transferred. She also contends that after the application moved by the complainant under Section 319 Cr.P.C. was allowed by the trial Court vide order dated 14.10.2016, charges were framed against the remaining accused on 25.09.2024, and as of now, the complainant and the victim are being examined. In support of the contentions, she has also relied upon a judgment rendered in *Satish Jaggi v. State of Chhattisgarh and others*, (2007) 3 SCC 62.

3. Considering the submissions made by learned counsel, this Court is of the view that no case is made out for transferring the proceedings to another district. It is not in dispute that after decision of application to summon additional accused under Section 319 Cr.P.C., the trial has progressed and witnesses are being examined. In case on request of learned counsel for the parties before the trial Court the matter was adjourned for one date keeping in view the probability of compromise between the parties, that cannot be a ground to seek transfer of the trial. Adjourning the proceedings in such a situation is no imputation by any standards. Besides, merely because one of the accused is an MLA of the area and the other two have been former Zila Parishad member and Sarpanch, in itself can also not be a ground to seek such a transfer as there is no material on record to even *prima facie* indicate that they have influenced the trial in any manner. The reliance upon the judgment in *Satish Jaggi* case *ibid* is also misdirected as the trial in that case was transferred on noticing the apprehension expressed by one of the parties that brother of the Sessions Judge was known to some political heavyweight in the area, and ‘there should not be any scope given to any person to go away with the feeling that the Judge was biased, however unfounded the impression may be.’ These are observations in peculiar facts of the case, and do not lay down a general principle that even on mere apprehension or unfounded impression the case/proceedings should



be transferred. Besides, no such situation arises for consideration in the instant case.

4. In view thereof, there is no ground to entertain the petition, and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

04.04.2025
Maninder

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