

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-9747 of 2016

Date of decision : 16.05.2016

Ashutosh Shukla and others

... Petitioners

versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.D. Sharma, Advocate
for the petitioners

Ms. Mahima Yashpal, AAG Haryana

Mr. Navkiran Singh, Advocate
for respondent No. 2

ANITA CHAUDHRY, J. (ORAL)

The petitioners are seeking transfer of the trial from the Court of JMIC Yamuna Nagar to any Court of competent jurisdiction at Ambala.

The FIR was lodged by respondent No. 2 against the petitioners. Challan was presented and trial has commenced and the case is fixed for prosecution evidence. The petitioners claims that when they had approached for anticipatory bail then respondent No. 2 and her father and some other persons entered the police station and gave filthy abuses and threatened them with dire consequences and a complaint was given to the police but no action was taken. He further pleads that maternal uncle of the wife is working as Inspector General of Police in the State of Haryana and was wielding influence and they have to approach the police for security before they go to Court for hearing and, therefore, the case should be transferred to Ambala. It has also been pleaded that the divorce petition

had been filed at Jalandhar which has been transferred to Ambala and there was no objection to the transfer and, therefore, both the matters can be tried in the Courts at Ambala.

Learned counsel for the complainant as well State have opposed the application. They have also filed their reply.

I have heard learned counsel for the parties.

Learned counsel for the petitioners refers to Annexures P-4 to P-6 and urges that each time the petitioners have to go for the hearing at Yamuna Nagar, they have to file an application before the Superintendent of Police and police official accompanies them and security is being provided to them. He further states that petition under the Hindu Marriage Act had been transferred without any objection from the respondent side to Ambala and this trial can also be transferred.

The counsel representing the complainant urges that no untoward incident had occurred and on the last few dates adjournments had been taken by the accused and on the last date of hearing exemption had been sought on behalf of the accused on medical reasons and last five zimni available on record would show that no such fact was brought to the notice of the Court nor any untoward incident had taken place in the Court.

Learned State counsel submits that though security was being provided but there is no threat nor any incident had taken place.

The cases are not transferred on the mere asking. The petitioners apprehend danger to their life. Learned State counsel had stated that no untoward incident had taken place on any of the dates. It is admitted that security is being provided to them on each hearing.

The zimni orders available on record show that exemption was sought by two of the accused on medical grounds. The accused have not

