

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 284 OF 2020

SUKHJINDER SINGH @ SUNNY & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

WITH

TRANSFER PETITION (CRIMINAL) NO. 286/2020

WITH

TRANSFER PETITION (CRIMINAL) NO. 798/2022

WITH

TRANSFER PETITION (CRIMINAL) NO. 801/2022

**ORDER**

This batch of petitions has been brought before us by several accused persons implicated in cases arising out of four F.I.R.s registered as F.I.R. No.63 of 2015 dated 2<sup>nd</sup> June 2015, F.I.R. No.117 of 2015 dated 25<sup>th</sup> September 2015, F.I.R. No.128 of 2015 dated 12<sup>th</sup> October 2015 being lodged in police station Bajakhana, district Faridkot and F.I.R. No.33 of 2011 dated 7<sup>th</sup> March 2011, lodged in police station city Moga, district Moga. The petitioners, who are accused in these cases, which are at the stage of framing of charges, want them to be transferred to a Court of competent jurisdiction in Delhi. The allegations against the petitioners (accused persons) relate to a series of incidents involving desecration of the Guru Granth Saheb Ji and in some cases,

allegations include vandalism and destruction of public property.

Main apprehension of the petitioners, as urged by Mr. Ranjit Kumar and Mr. R. Basant, learned Senior Counsel essentially relates to their own safety as also the safety and security of their witnesses. It has been pointed out on behalf of the petitioners that two accused persons and another individual, being father of an accused person have been killed and another accused was attacked in his own house. Primarily for these reasons, the petitioners want further proceedings in these cases to be conducted out of the State of Punjab. At present, these cases are pending at the District Courts of Moga and Faridkot, Punjab.

Mr. Shyam Divan, learned senior counsel appearing for the respondent-State has opposed the petitioners' plea seeking transfer of these cases outside the State of Punjab. He has drawn our attention to a judgment passed by a learned Single Judge of this Court on 25<sup>th</sup> November 2020 in Transfer Petition (Criminal) No.452 of 2019 by which plea of certain accused persons, against whom allegations were of similar nature, was rejected by this Court. Mr. Divan has laid stress on the fact that apart from the general convenience of running a trial in the jurisdictional Court, transfer of these cases might have adverse impact and demoralising effect on the judiciary including the law enforcement agencies of the State. In fact, this was one of the factors which was considered by the learned Judge while rejecting the transfer petition(s) by the judgment delivered on 25<sup>th</sup> November 2020.

We are, however, apprised by the learned counsel for the petitioners out of the four incidents to which our attention has been drawn, two incidents had taken place after the said judgment was delivered.

Under these circumstances, the apprehension of the petitioners cannot be rejected outright as being unfounded and taking an overall view of the petitioners' plea, in our opinion, it would be expedient for the ends of justice if the cases are transferred to a Court of competent jurisdiction within the Union Territory of Chandigarh. We have taken this view upon considering the judgment of the learned Single Judge delivered on 25<sup>th</sup> November 2020. But in that judgment, one of the factors which was weighed by the learned Single Judge was that with passage of time, the atmosphere ought to have mellowed down. In the cases before the learned Single Judge, the incidents were of 2015. Same is the year of incident before us as well, but as it has been submitted before us, persons accused in such offences had faced assault after the said judgment was delivered.

We make it clear, however, that the reason for passing this order is solely based on apprehension of safety and security of the petitioners, who are accused persons, as well as the defence witnesses and this order of transfer must not be construed to cast any doubt or aspersion on impartiality of the concerned Court or any lapse or deficiency of the law enforcement agency.

We, accordingly, allow these transfer petitions and request the learned Chief Justice of High Court of Punjab and Haryana to

allocate the cases to an appropriate Court within the Union Territory of Chandigarh. As the cases are being transferred from the Courts of the State of Punjab to Courts subordinate to the same High Court, we invoke our jurisdiction under Article 142 of the Constitution of India to effect transfer of these cases. We accordingly direct that cases registered as:-

(a) CHI/178/2020 titled "State v. Randeep Singh alias Neela & Ors." arising out of FIR No.63/2015 dt. 02.06.2015 registered at P.S. Bajakhana, district Faridkot pending in the Court of Judicial Magistrate First Class, Faridkot, Punjab.

(b) SC/170/2018 titled "State v. Mohinderpal @ Bittu & Ors." arising out of FIR No.33/2011 dt.07.03.2011 registered at P.S. City Moga, district Moga pending in the Additional Sessions Court, Moga, Punjab.

(c) CHI/284/2021 titled "State v. Sukhjinder Singh & Ors." arising out of FIR No.117/2015 dt.25.09.2015 registered at P.S. Bajakhana, district Faridkot pending in the Court of Chief Judicial Magistrate, Faridkot, Punjab.

(d) CHI/275/2021 titled "State v. Sukhjinder Singh & Ors." arising out of FIR No.128/2015 dt.12.10.2015 registered at P.S. Bajakhana, district Faridkot pending in the Court of Chief Judicial Magistrate, Faridkot, Punjab.

be placed before the learned Chief Justice of the High Court of Punjab and Haryana for being allocated to a Court of competent jurisdiction within the Union Territory of Chandigarh.

Pending application(s), if any, shall stand disposed of.

..... J.  
[ANIRUDDHA BOSE]

..... J.  
[SUDHANSHU DHULIA]

NEW DELHI;  
FEBRUARY 28, 2023.

ITEM NO.1

COURT NO.11

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Criminal) No. 284/2020

SUKHJINDER SINGH @ SUNNY &amp; ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

((AMONG THE FIRST FIVE CASES)

IA No. 92894/2020 - EX-PARTE STAY

IA No. 191262/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

WITH

T.P.(Crl.) No. 286/2020 (XVI-A)

(IA No. 94851/2020 - STAY APPLICATION)

T.P.(Crl.) No. 798/2022 (XVI-A)

(IA No. 190985/2022 - EX-PARTE STAY

IA No. 190986/2022 - EXEMPTION FROM FILING O.T.)

T.P.(Crl.) No. 801/2022 (XVI-A)

(IA No. 191883/2022 - EX-PARTE STAY

IA No. 191884/2022 - EXEMPTION FROM FILING O.T.)

Date : 28-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.  
Mr. R.basant, Sr. Adv.  
Mr. Harish Chhabra, Adv.  
Mr. Nikhil Chandra Jaiswal, Adv.  
Mr. B. Shravanth Shanker, AOR  
Ms. Prerna Robin, Adv.

For Respondent(s) Mr. Abhimanyu Bhandari, A.A.G.  
Mr. Shyam Divan, Sr. Adv.  
Ms. Rooh-e-hina Dua, AOR  
Mr. Harshit Khanduja, Adv.

Mr. Abhimanyu Bhandari, A.A.G.  
Mr. Rishikesh Kumar, DAG  
Mr. Shyam Diwan, Sr. Adv.

Mr. Karan Sharma, AOR  
Mr. Mohit Siwach, Adv.  
Mr. Rishabh Sharma, Adv.  
Mr. Rohit Kaliyar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The transfer petitions are allowed in terms of the signed  
order.

Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(Signed order is placed on the file)

(RAM SUBHAG SINGH)  
BRANCH OFFICER