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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

# **CNR No. DLHC010430332026**

+ **TR.P.(CRL.) 79/2026, & CRL.M.As. 28161-28162/2026**

**PRADEEP KAUR**

.....Petitioner

Through: Petitioner in Person.

versus

**STATE NCT OF DELHI AND ORS**

.....Respondents

Through: Ms. Manjeet Arya, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **10.09.2026**

1. The petitioner is the complainant in proceedings arising out of FIR 123/2021, dated 25.06.2021, registered at Police Station Rajinder Nagar, District Central, Delhi, under Section 376 of the Indian Penal Code, 1860.
2. She has filed this petition seeking transfer of the case from the Court of the learned Additional Sessions Judge ["ASJ"], who is presently in *seisen* of the proceedings to the Court of any other learned ASJ.
3. Although the petition is styled as a transfer petition, and the first prayer is also for transfer, several other prayers have also been included in the transfer petition, including substantive prayers for quashing and setting aside of the various orders of the learned ASJ, and directions to the Station House Officer with respect to the investigation, as well as directions with regard to evidence that has been led in the case.



4. The petitioner has argued her petition in person. I have offered her legal assistance through Legal Aid counsel, which she has declined.

5. In the course of argument, the petitioner submits that an order dated 03.02.2023, by which charges were framed by the learned predecessor ASJ, was erroneous, and that she has filed an application under Section 216 of the Code of Criminal Procedure, 1973 [“CrPC”] for addition of further charges. She states that this application has not been heard, but her testimony was recorded, which was also allegedly incomplete. She also submits that the orders and directions given by the learned ASJ were not followed by the prosecution and the accused, despite which the learned ASJ is not taking appropriate action in this regard. She submits that she has also brought subsequent events to the notice of the learned ASJ, but those subsequent events have not been noted. She has also filed an application under Section 319 of the CrPC for bringing additional accused on record which, according to her, has not been taken on record by the learned ASJ.

6. According to the petitioner, the above grounds necessitate transfer of the proceedings on the grounds of bias of the concerned judicial officer.

7. The Court, in a transfer petition, on the ground of bias, is called up to examine whether there is a reasonable apprehension of bias on the part of a presiding officer. The adjudication of this question is generally independent of the correctness of judicial orders and proceedings, for which the appropriate remedies are available to the petitioner.

8. The Supreme Court in *Gurcharan Das Chadha v. State of*



*Rajasthan*<sup>1</sup> has held that a case may be transferred where a party demonstrates a reasonable apprehension that justice may not be done, and while it is not necessary to establish that justice will inevitably fail, the apprehension must be shown to be reasonable and based on cogent circumstance. A mere allegation or subjective fear is insufficient, as the Court must be satisfied that the apprehension appears reasonable to an objective judicial mind.

9. A co-ordinate Bench of this Court in *Ankur Mutreja v. Aviation Employees Coop. House building Society Ltd.*<sup>2</sup>, has cautioned that while the standard for establishing bias is one apprehension rather than proof, such apprehension must be real and reasonable, and cannot be fanciful, speculative, or a means to seek a more favourable forum. In this regard the Court has observed that:

*“21. Though the standard of bias is one of apprehension, rather than of proof, the apprehension has to be real; not merely chimerical or fanciful, or a method to somehow try one's luck before another Court.*

*22. Allegations of bias against a judicial officer are not to be likely made. Even issuance of notice on such an application has serious deleterious repercussions for the judicial officer concerned. Every judicial officer is expected to act without fear or favour, affection or ill will. That is the solemn oath which every judicial officer subscribes to, at the time of entering into his office. If a request for transfer such as this, alleging, without a scintilla of material, bias on the part of the judicial officer, is to be entertained, this Court is constrained to observe that it would be impossible for judicial officers to function dispassionately or discharge their duties without fear or favour.*

*23. Ordinarily, this court refrains from imposing costs on parties who prosecute their cases in person. This case, however, is an extreme example of abuse of process. It seeks, a manner completely contrary to the law, to interfere with pending proceedings and also seeks to throw a cloud on the integrity of a judicial officer without any material whatsoever.*

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<sup>1</sup> 1965 SCC OnLine SC 341, paragraph 13.

<sup>2</sup> 2022 SCC OnLine Del 770.



24. I am constrained, therefore, despite the fact that the petitioner appears in person, to dismiss this petition with costs of Rs. 25,000/- to be deposited by the petitioner with the Registry of this Court by way of a crossed cheque favouring the Delhi High Court Legal Services Committee. Let the cheque be presented within a period of one week from the date of receipt, by the petitioner, of a certified copy of this order, failing which this Court would treat it as contempt.”

10. In this context, the Punjab and Haryana High Court, in its recent decision in *Dinesh Chand Bansal vs. State of Haryana*<sup>3</sup>, has observed as under:

“14. As a squitter (sic.) to the above rumination, the following principles emerge:

(i) The exercise of power under Section 408 Cr.P.C./448 BNSS is quintessentially a judicial function and must be exercised with circumspection and only where accentuating circumstances exist and ends of justice would otherwise be defeated.

(ii) An application for transfer cannot be allowed upon a mere asking or the subjective whims or imaginary anxieties of a litigant. The applicant must bring forth reasonable and nonillusory grounds, substantiated by cogent material, demonstrating a legitimate threat to the purity of the trial.

(iii) **Judicial error is not synonymous with judicial partiality and hence mere passing of an unfavourable order, or even an order subsequently set aside by a superior Court, does not ipso facto establish a foundation for bias or prejudice.**

(iv) To prevent the abuse of process and the practice of forum shopping, the Sessions Court must strictly enforce the provisions of Section 408 (3) Cr.P.C./448(3) BNSS, imposing costs on any party preferring frivolous or vexatious transfer application.

(v) No universal guidelines or parameters can possibly be enumerated for exercise of power of transfer jurisdiction of the Sessions Court as every case has its own unique factual conspectus.”<sup>4</sup>

11. The apprehension projected by the petitioner rests essentially on adverse orders, and alleged procedural irregularities in the proceedings arising out of the subject FIR. These factors, even if assumed to be

<sup>3</sup> CRM-M-72601/2025, decided on 30.01.2026.

<sup>4</sup> Emphasis supplied.



correct for the purposes of the present petition, cannot by themselves constitute a legally sustainable ground for transfer. For such grievances, the appropriate judicial remedies are provided by statute, which have not been availed by the petitioner. It is also pertinent to note that the orders pointed out by the petitioner are passed by different judges. In these circumstances, the allegations of bias are implausible, and would effectively allow the extraordinary power of transfer to be invoked in place of the statutory remedies available against unfavourable orders. Further, to accept such contentions would also blur the well-recognised distinction between judicial error and judicial bias.

12. The record also does not disclose any material circumstance indicative of extraneous influence, personal interest, or predisposition on the part of the learned ASJ so as to give rise to a reasonable apprehension that justice would not be done. The apprehensions raised in the present petition fall short of the stringent threshold required for an order of transfer from one judge to another.

13. I am therefore unable to accede to the petitioner's request.

14. The transfer petition, alongwith pending applications, is dismissed in view of the aforesaid observations.

15. It is clarified that this order will not come in the petitioner's way in seeking appropriate substantive reliefs available to her in accordance with law, by way of properly constituted proceedings.

**PRATEEK JALAN, J**

**SEPTEMBER 10, 2026**

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