

ITEM NO.13

COURT NO.8

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).894/2007

(From the judgement and order dated 30/01/2007 in CRLM No. 26949/2006 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJINDER PAL ANAND

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for stay and Office Report)

WITH T.P.(CRL) NO. 76 of 2007

(With appln(s) for stay and Office Report)

Date: 20/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. M.N. Krishnamani, Sr. Adv.

Mr. Rajesh Sharma, Adv.

Ms. Shalu Sharma, Adv.

For Respondent(s) Mr. Sanjay Jain, Adv.

Mr. Mukesh Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

SLP(Crl.)No.894/07 was filed by Sh. Rajender Pal Anand against order dated 30.1.2007 passed by the High Court of Punjab & Haryana at Chandigarh in Crl.Misc.No.26949-M of 2006 (O & M). State of Punjab has been impleaded as respondent. Transfer Petition (Crl.) No.76/2007 was filed by the very same petitioner praying for transfer of Sessions Case No.2 dated 22.3.2001 pending in the court of Sessions/Special Judge, Fatehgarh Sahib, arising from the FIR no.180 dated 8.9.1999 under sections 7 and 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station, Sirhind, District Fatehgarh Sahib, Punjab titled as Rajinder Pal Anand vs. State of Punjab pending in the Court of learned Sessions/Special Judge, Fatehgarh Sahib to any other Court of competent jurisdiction at Delhi.

This Court, after hearing learned Senior Counsel for the petitioner issued notice on the special leave petition and the

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transfer petition and as also on the application for stay on 26.2.2007. When the matter was taken up by the Sessions/Special Judge, Fatehgarh Sahib, it was brought to the notice of the Special Judge that this Court has already issued notice on the special leave petition and the transfer petition and as also on the application for stay. A photostat copy of the order of this Court was also attached

as Annexure 'A' to the Application moved before the said Court of Sessions Judge. In the light of the above such circumstances, it was prayed that the proceedings may be stayed till the final decision in the special leave petition and the transfer petition and also on the stay application before this Court. It appears that the said Special Judge passed the following order on 14.3.2007:

"There is an application for exemption of personal appearance of accused on medical ground. The application is allowed.

Counsel for the accused has placed on record copy of the order passed by the Hon'ble Supreme Court of India dated 26.2.2007. A perusal of the same reveals that further proceedings before this court have not been stayed.

No PW is present. To come up for prosecution evidence on 7.4.2007."

At page 79 of the SLP paper book, it has been specifically stated in paragraph 3 that Ms. Sabina, learned Special Judge, Fatehgarh Sahib is the real sister of Rabina who is the wife of Shri Navkiran Singh, learned Advocate, who appears for the complainant Amarjit Singh and as such Shri Navkiran Singh, Advocate is closely related to the learned Special Judge, Fatehgarh and he has been taking

special interest in the present case. Similar averments have also been made in the transfer petition.

In view of the averments made in the special leave petition as also in the transfer petition, we stay further proceedings in the Sessions Case no.2/01 pending on the file of Special Judge, Fatehgarh Sahib, until further orders.

Post the matter after four weeks.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master