

CASE HEARD THROUGH VIDEO CONFERENCING

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CRM-M-34703-2021
JAGSEER SINGH VS CBI AND ANR

Present:- Mr. R.S. Bains, Sr. Advocate
with Mr. Loveneet Thakur, Advocate
for the petitioner.

Prayer in this petition is for transfer of the case No.CHI/1864/2013 titled as “*CBI vs Baba Gurmeet Ram Rahim Singh and others*”, FIR No.312 dated 10.07.2002 registered under Sections 302, 34, 120-B IPC at Police Station Sadar Thanesar, District Kurukshetar and case No.RC 8(S)/2003/SCB/CHD dated 03.12.2003, from the Court of Special Judge, CBI, Panchkula to any other CBI Court in the States of Haryana, Punjab or U.T., Chandigarh.

Learned senior counsel for the petitioner has argued that the petitioner – Jagseer Singh (aged about 27 years) is son of deceased Ranjeet Singh, qua whose murder, the aforesaid trial is going on before the CBI Court. It is further submitted that Ranjeet Singh was murdered in the year 2002 and the petitioner, at that time, was 08 years old. It is also submitted that after long litigation, the trial started against the accused i.e. respondent No.3 – Baba Gurmeet Ram Rahim Singh, who already stands convicted for 20 years rigorous imprisonment regarding the allegation of rape of 02 women followers vide judgment dated 28.08.2017 and also stands convicted for life regarding murder of a Sirsa based journalist Ram Chander Chatterpati, who had published an article in his newspaper, regarding sexual exploitation of Sadhvis in Dera. It is also submitted that accused suspected that Ranjeet Singh was behind circulation of anonymous letter in this regard.

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Learned senior counsel for the petitioner has primarily raised 03 grounds for seeking transfer of this case.

Firstly, the case is pending for argument since December, 2019, though at that time, the predecessor of the Presiding Officer/Special Judge was there and even after the time, when the present Presiding Officer, took over the charge as a Special Judge, CBI, Panchkula, the case was again adjourned number of times. He has also referred to some of the orders after April, 2021 in which even the Public Prosecutor has been seeking time. It is further submitted that everything has been manipulated through the respondent No.2.

The second ground taken by learned senior counsel is that even one complaint relating to some another trial wherein there are allegations that the Presiding Officer is in constant touch with the accused Manish Grover and some other influential persons, who are facing the prosecution under the Money Laundering Act, has been given against the same Presiding Officer, which is addressed to Hon'ble the Chief Justice of this Court.

Learned senior counsel for the petitioner has referred to the said complaint wherein certain allegations (which are not reproduced at this stage) have been made against the Presiding Officer. It is submitted that the said complaint is still pending.

The next argument raised by learned senior counsel for the petitioner is that respondent No.2 – K.P. Singh, Public Prosecutor for CBI, was previously posted with the Special Judge, CBI, Chandigarh, when the Presiding Officer was posted at Chandigarh and after his transfer to Panchkula, he has been interfering in the administration of

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justice and is influencing the entire proceedings despite the fact there are 02 other Special Public Prosecutors appointed for the trial.

Learned senior counsel for the petitioner has further referred to an order dated 05.07.2021, in another (3rd case) wherein a Senior Advocate during course of arguments of the case, has objected that since there is a regular Public Prosecutor for CBI in the Court who is attending all the CBI cases, respondent No.2 be directed to leave the Court room or his presence be marked in the case. However, the said request was not accepted. Learned senior counsel for the petitioner has, thus, argued that if the CCTV footage installed in the Court is seen, Mr. K.P. Singh, Public Prosecutor, is attending the Court even on Saturday, which is not a Court working day. Though, some personal oral aspersions are also made against the Special Judge, however, the same are not recorded in this order as those are not stated on oath by the petitioner.

Learned senior counsel for the petitioner has further submitted that the trial Court has rejected the prayer of the Special Public Prosecutor to rebut the argument vide order dated 18.08.2021, which raises a suspicion.

Learned senior counsel for the petitioner has also submitted that the presence of respondent No.2 is suspicious as rather assisting the Special Public Prosecutor, he is having a fiduciary relationship over the Presiding Officer.

Learned senior counsel for the petitioner has, thus, submitted that the petitioner has reasonable apprehension that he may not get justice from the Special Judge, CBI Court, Panchkula.

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Considering the aforesaid submissions made by learned senior counsel for the petitioner, it would be appropriate to seek comment of learned Presiding Officer/Special Judge, CBI, Panchkula.

Notice of motion.

Mr. Sumeet Goel, Sr. Advocate, who is appearing through video conferencing alongwith Mr. A.K. Ranolia, Advocate, accepts notice on behalf of the respondent No.1 – CBI and submits that Mr. K.P. Singh, Public Prosecutor, has been deputed with the said Court.

List again on 27.08.2021.

Till the next date of hearing, final pronouncement of the judgment shall remain stayed.

Considering the fact that the case is fixed for 26.08.2021, the trial Court is directed to effect the service upon respondents No.3 to 6 i.e. the accused through his counsel, for the date fixed.

The comments of the Presiding Officer/Special Judge, CBI, Panchkula, be also sought before the adjourned date.

The CBI will also file a specific affidavit about the appointment of Mr. K.P. Singh, Public Prosecutor for CBI Court at Panchkula, along with his posting order with the reply, if any.

A copy of this order be sent to the Presiding Officer/Special Judge, CBI, Panchkula, through e-mail.

(ARVIND SINGH SANGWAN)
JUDGE

24.08.2021
yakub