

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-15283 of 2015

Date of decision: 15.05.2015

Krishna

----Petitioner (s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Satbir Rathore, Advocate for
for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of order dated 1.5.2015 (Annexure P7) passed by learned Judicial Magistrate Ist Class, SBS Nagar, whereby the application submitted by the petitioner for granting permission to go abroad has been dismissed.

The petitioner - Krishna wife of Shinder Pal @ Shinda is facing criminal trial in case FIR No.15 dated 25.2.2011 under Sections 452, 323, 354, 365, 427, 506, 148, 149 IPC, wherein

charge has been framed against the petitioner under Sections 323, 452, 427, 506 read with Section 149 IPC.

Learned counsel for the petitioner submits that after framing of charge, the prosecution has examined as many as four witnesses as against total sixteen witnesses and the petitioner is on anticipatory bail. He further submits that the daughter of the petitioner namely Dalwinder Kaur is settled in U.K. and she is on her family way. She is expected to deliver in a day or so. The petitioner being the mother of Dalwinder Kaur, is required to attend her at this crucial stage.

Learned counsel for the petitioner further submits that if the petitioner is granted permission to go abroad, she will not misuse the said concession/permission in any manner. Learned counsel has also submitted that the petitioner has no objection if the trial continues in her absence, however, the petitioner undertakes to return back and join trial by 30.9.2015.

Learned State counsel, on instructions from HC Rakesh Lal states that charges have been framed against the petitioner, which are serious in nature.

Considering the fact that the offence is triable by a Magistrate and conclusion of trial will take sufficiently long time, the present petition is allowed, the order dated 1.5.2015 (Annexure P7) is quashed and the petitioner is granted permission to go abroad.

Accordingly, the petitioner is directed to appear before the trial Court on or before 18.5.2015 and the trial Court shall allow the petitioner to go abroad subject to his furnishing personal bonds/surety bonds of heavy security or imposing any other conditions, which it may deem appropriate in the peculiar facts of the case.

The trial Court may continue with the trial in the absence of the petitioner. The petitioner shall report to the trial Court after her return from abroad on or before 30.9.2015.

With the above directions, the present petition is allowed.

A copy of this order be given to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

May 15, 2015
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(HARI PAL VERMA)
JUDGE