

219

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-17651-2015
Date of decision : 21.10.2015

Amit

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Anurag Arora, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Rahul Rathore, Advocate,
for the complainant.

M.M.S. BEDI, J.(Oral)

This is a petition under Section 482 Cr.P.C for quashing of orders dated 28.07.2014 and 30.04.2015 passed by the Addl. Sessions Judge, Karnal, whereby the petitioner was directed to surrender his passport before the trial Court and his application for travelling abroad was declined.

I have heard the complainant-Suman Rani. She admits that the marriage has been dissolved by a decree of divorce. She

has objection to the petitioner leaving India as delay is being caused in the trial on account of his leaving India. She has stated that she is now residing in India and does not intend to go back to Australia.

An attempt was made to enable the parties to the marriage to amicably resolve the matrimonial dispute with the intervention of Mediation and Conciliation Centre of this Court but the same could not bring any fruits.

The petitioner had been granted permission to leave India vide order dated 28.05.2015, subject to the conditions mentioned in the said order. The petitioner is present in Court, after having visited Australia. Next date of hearing before the trial Court is 31.10.2015, for cross-examination of the complainant.

Keeping in view the facts and circumstances of the case, the request of the petitioner for permanent exemption from appearance cannot be allowed. However, it is ordered that he would be permitted to leave India after 31.10.2015, on which date the complainant has been directed to appear before the trial Court for further cross-examination. The petitioner will be allowed to leave India for Australia after 31.10.2015, subject to the following conditions:-

1. He would deposit a sum of ₹ 10 lakhs as security with the trial Court besides furnishing security bond for

sum of ₹ 2 lakhs to the satisfaction of trial Court with one surety in the like amount.

2. He would furnish an undertaking that he would be bound to return to India to attend the hearing of the case on each date of hearing. The trial Court is directed to make endeavour to fix the next dates of hearing ensuring that there is a gap of at least two to three months in each date of hearing.
3. In case the petitioner fails to appear on any date of hearing, the amount of security bond would be released to the complainant besides the liability of the petitioner and his surety as per the provision of law.
4. The petitioner would be required to intimate the date of departure and return before leaving at the time of furnishing of security bonds for his every visit.
5. He would be required to surrender his passport with the Court on his return and would be entitled to receive the same in undamaged condition. The Court will ensure the safe custody of the passport of the petitioner.

It is further observed that it will be open to the trial Court to impose any additional reasonable condition as deemed appropriate, in the interest of justice.

Disposed of in the above terms.

This order will however not prejudice the right of the petitioner to avail legal remedy under Section 449 Cr.P.C regarding his grievance of forfeiture of any bond amount under order dated 30.04.2015.

October 21, 2015
Ramandeep Singh

(M.M.S. BEDI)
JUDGE