

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

CRM No. M-19329 of 2015 (O&M)

Date of decision: 8.6.2015

Tarjinder Singh @ Taljinder Singh

.. Petitioner

versus

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Rajesh Bindal, J.

Notice of motion to Advocate General, Punjab.

Mr. Rajesh Bhardwaj, learned Additional Advocate General, Punjab, who is present in Court, accepts notice, on behalf of the State.

The petitioner has approached this Court impugning the order dated 3.6.2015 passed by the learned Court below declining him permission to go abroad.

The petitioner herein is an accused in a criminal complaint filed by respondent no. 2 under Sections 326, 324, 323, 148, 149 IPC. The petitioner is residing in Canada and is a Canadian passport holder. He is carrying on business of repair of trucks in Canada in the name of GMG Diesel SPEC Limited and GMG Truck Repair Limited. The prayer for permission to go to Canada has been made on the ground that on 12.6.2015 annual inspection of his business premises is scheduled, which was intimated to the petitioner vide email dated 22.5.2015. The case in the court below is still at the stage of pre-charge evidence, listed on 31.7.2015.

Learned counsel for the petitioner submitted that there were cross cases between the parties, which were settled and the accused on both the sides were acquitted vide judgment dated 3.3.2009. However, the petitioner was declared as proclaimed offender as he was not served. Having come to know about the pendency of the case, he himself approached the

Court and is facing trial. He further submitted that the petitioner will furnish a bank guarantee of ₹ 10 lacs before the Court below, which may be encashed in case the petitioner does not return back and appear in Court on the next date of hearing to face trial.

After hearing learned counsel for the parties and considering the urgency involved in the matter, in my opinion, the present petition deserves to be disposed of without even issuing notice to respondent no. 2-the complainant.

Considering the submissions made by learned counsel for the petitioner wherein it has been stated that the cross cases between the parties were disposed of on 3.3.2009, which resulted in acquittal and the petitioner could not appear in Court as he had gone to Canada in the year 2001, and he has business establishment in Canada, annual inspection of which is scheduled on 12.6.2015, in my opinion, the petitioner deserves to be granted permission to go abroad subject to the condition that he will furnish undertaking before the Court below before he leaves the country that he will return back and appear in Court on the next date of hearing. As security, he will furnish bank guarantee of ₹ 10 lacs in the Court below which may be encashed in case the petitioner fails to appear in Court on the next date of hearing.

The impugned order passed by the learned Court below is set aside and the present petition is disposed of accordingly.

A copy of the order be given dasti to counsel for the petitioner under the signature of Special Secretary of this Court.

8.6.2015
vs

(Rajesh Bindal)
Judge