

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

123

Criminal Misc.No.M-27842 of 2015 (O&M)
Date of Decision: 21st August, 2015

Jujhar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No
2. To be referred to reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Munish Gupta, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 12.08.2015 (Annexure P-6), whereby, the application filed by the petitioner for going abroad has been rejected.

Learned counsel for the petitioner submits that at the time of lodging of FIR No.135 dated 13.07.2008 registered under Sections 218, 420, 465, 468, 471, 120B IPC and 12(B) of Passport Act at Police Station City Moga, District Moga, the petitioner was minor and now he has attained majority. Learned counsel also submits that the petitioner is living with his family in Hongkong since the year 2008 and he came to know with regard to lodging of the FIR, in question, only in the year 2014. Learned counsel also submits that

the petitioner was released on regular bail and thereafter, he has been appearing regularly before the Juvenile Justice Board, Moga and the challan has not been presented so far. He also submits that the petitioner is not required for any further investigation. Learned counsel also submits that the petitioner's visa is going to expire on 25.08.2015 and his presence is required abroad as certain formalities are still to be completed. The mother of the petitioner is also living in Hongkong and in case, the petitioner is not allowed to go there before the date of expiry of his visa, then his family visa would expire and there would be a lot of difficulty. Learned counsel also submits that the petitioner is ready to abide by all the terms and conditions to be imposed by this Court as well as by the investigating agency.

During hearing of the case, an affidavit has also been filed by the petitioner in the Court stating therein that he undertakes to keep FDR of Rs.7 lacs with this Court as security and to arrange surety to the tune of Rs.15 lacs before the trial Court or before this Court.

Learned State counsel submits that he has no objection, in case, the petitioner return back within some short period or specified period as challan is yet to be presented even though the investigation has been completed. Learned State counsel, on instructions from ASI Pritam Singh submits that at present, the petitioner is not required for investigation.

Heard learned counsel for the parties and have also gone through the documents available on record.

In view of the submissions made by learned counsel for the petitioner that the petitioner's visa is going to expire on 25.08.2015 and his family is settled in Hongkong and he undertakes to deposit FDR amounting to

Rs.7 lacs with this Court as security; and is also ready to arrange and give surety to the tune of Rs.15 lacs and to abide by all the terms and conditions to be imposed by this Court, the present petition is allowed and the petitioner is allowed to go to Hongkong for a period of 45 days subject to the following conditions:

- i) that the petitioner shall execute surety/indemnity bonds/bank guarantee; keep FDR of Rs.7 lacs as security as stated in the affidavit or to furnish surety to the tune of Rs.25 lacs with two sureties of like amount and also undertake that the petitioner will not violate the terms and conditions,
- ii) that the petitioner shall also give undertaking in writing that he shall return back before the expiry of 45 days and shall not commit any offence while living abroad and shall not influence the witnesses or investigation in any manner.

The Investigating Officer is also directed to hand over the passport to the petitioner.

However, it is made clear that no extension will be granted after expiry of a period of 45 days.

Copy of this order be given to learned counsel for the petitioner under signature of Special Secretary of this Court.

August 21, 2015
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(DAYA CHAUDHARY)
JUDGE