

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

CRM-M-2836-2015

Date of Decision : 11.02.2015

Rajat Kapur

.....Petitioner

Versus

U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. D.S. Patwalia, Senior Advocate with
Mr. Kannan Malik, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. PP, U.T. Chandigarh.

KULDIP SINGH, J. (Oral)

Short reply filed on behalf of respondents No.1 and 2 in
Court today, is taken on record.

This petition has been filed for quashing the order dated
11.04.2014 passed by learned Chief Judicial Magistrate, Chandigarh.

The brief controversy is that the present petitioner is a
accused of committing offence under Sections 279, 304-A and 201 IPC
and is facing trial in the Court of Chief Judicial Magistrate,
Chandigarh. Pending the case, the present petitioner and two others
filed an application for seeking directions of the trial Court to direct
SHO Police Station Central Chandigarh to release their passport. The
said application was dismissed by the impugned order.

During the hearing, learned senior counsel for the petitioner confines his prayer only to the release of the passport of the petitioner. Learned senior counsel for the petitioner has argued that the impounding of the passport is illegal and contrary to law laid down by the Apex Court in '**Suresh Nanda Vs. CBI' 2008 (1) RCR (Criminal) 897.**

Learned counsel for the respondent on the other hand has argued that the father of the deceased has approached the Apex Court for adding the offence under Section 304 IPC in the present case. Therefore, the respondent fears that if the passport is released, the petitioner will leave the country.

I am of the opinion that the offences with which the petitioner is charged are bailable. The petitioner is required to take permission of the trial Court before leaving the country. Petitioner claimed that he is running a business and has been invited to attend the conference. The permission to visit foreign countries is to be obtained from the trial Court which is to be granted on merits.

Keeping in view the fact that the father of the deceased has approached the Apex Court for adding the offence under Section 304 IPC and the fact that the case is relating to death of three persons in motor vehicular accident and also the fact that the petitioner intends visiting a foreign country to attend the conference, it is ordered that the petitioner will file an application before the trial Court for permission to visit abroad. The trial Court shall decide the same after hearing the parties and in case it decides that the petitioner is entitled

to go to foreign country, the passport of the petitioner shall be handed over to him.

In view of abovesaid observations, the present petition stands disposed of.

February 11, 2015

Naveen

(KULDIP SINGH)
JUDGE