

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29351 of 2013 (O&M)
Date of Decision: 06.10.2015

Prem Kumar and another

--Petitioners.

Vs.

State of Punjab

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. P.S.Ahluwalia, Advocate
for the petitioners.

Ms. Mandeep Dhaliwal, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners, by way of instant petition under Sections 482 Cr.P.C., have approached this Court seeking permission of the Court to visit United States of America and Canada for a period of three months to attend the marriage of their niece and to meet their grand daughter.

Notice of motion was issued.

Learned counsel for the petitioners submits that once the proceedings arising out of FIR No. 76 dated 5.4.2011 under Sections 498-A/406 IPC, registered at Police Station 'A' Division, Amritsar City, District Amritsar, have been stayed by this Court vide order dated 8.1.2015 passed in CRM-M-42096 of 2014 (Rajat Sharma and others Vs. State of Punjab), presence of the petitioners, as such, would not be required. He further submits that petitioners shall furnish an appropriate undertaking, indemnity bonds and surety

bonds to the satisfaction of learned trial court, before leaving India. In support of his contentions, learned counsel for the petitioners places reliance on the following judgments

1. Srichand P. Hinduja Vs. State through CBI. New Delhi, 2002 (3) RCR (criminal) 186 (SC)
2. Balvinderpal Singh Vs. Union of India and others, 2004 (3) RCR (Criminal) 314 (P&H)
3. Anjal Kumar @ Angel Kumar Vs. State of Punjab and another 2010 (1) RCR (criminal) 201 (P&H)
4. Naginder Singh Rana VSs State of Punjab, 2004 (3) RCR (criminal) 912 (P&H)

He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Baldev Singh, submits that despite making best efforts through the State agency, she could not verify the authenticity of marriage cards Annexure P-6, attached with the petition. However, neither any reply has been filed, nor credentials of the petitioners have been doubted at the hands of the respondent-State, which may disentitle them for going abroad for a limited period and for the abovesaid specified purpose.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, coupled with the judgments relied upon by learned counsel for the petitioners, petitioners have been found entitled for the limited relief claimed by way of present petition.

It is a matter of record that this Court has stayed further proceedings before the learned trial court in FIR No. 76 dated 5.4.2011, vide abovesaid order dated 8.1.2015. Once the proceedings have been stayed, presence of the petitioners would not be necessary during this period, particularly when they are intending to come back by 20.12.2015.

In view of the above and without commenting anything on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioners are granted permission to visit United States of America and Canada from 10.10.2015 to 20.12.2015. However, it is made clear that before leaving India, petitioners shall furnish appropriate undertaking and adequate indemnity/ surety bonds, to the satisfaction of learned trial court.

(RAMESHWAR SINGH MALIK)
JUDGE

06.10.2015
AK Sharma