

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

**Criminal Misc. No. M-42684 of 2014 (O&M)
Date of decision: 25.02.2015.**

Raghubir Singh Saini

..Petitioner

Versus

Central Bureau of Investigation (C.B.I.)

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Rajat Malhotra, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing Counsel
for the respondent – CBI.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for granting permission to the petitioner to go to USA for treatment of his eye.

Learned counsel for the petitioner submits that one eye of the petitioner is damaged and has no vision and has developed Full Thickness Macular Hole, which has caused serious vision problem. It may prove to be dangerous for life also. Learned counsel also submits that although other family members are there in India but the petitioner is interested in having his treatment from the doctor in USA as the daughter of the petitioner is working as doctor in USA and is married to a senior doctor. Learned counsel also submits that the

petitioner is ready to furnish adequate surety to the satisfaction of this Court or trial Court or to abide by all the terms and conditions to be imposed by this Court or trial Court. He has also placed on record copy of the sale deed regarding his house No.113-J in Kartar Singh Sarabha Nagar, Ferozepur Road, Ludhiana, which has been approved under the Punjab Government Notification dated 18.01.1963. Area of that plot is 200 sq. yards and at present, the market value of said house is more than rupees one crore. The petitioner undertakes not to dispute his identity during the trial and further undertakes that the petitioner's counsel shall cross-examine the prosecution witnesses in his absence so that trial is not delayed. The petitioner also undertakes to return back to India as soon as the treatment of his serious eye condition is completed which is subject to the maximum time limit of around three months.

Learned Counsel for the respondent – CBI has also verified the registered sale deed and market price of the house but opposes submissions made by learned counsel for the petitioner on the ground that proper medical treatment is available in India as well and his other family members are also here in India.

Heard arguments of learned counsel for the petitioner as well as learned counsel for CBI and have also perused the documents on the file.

An application was moved by the petitioner for granting permission to visit Newport Beach, CA, USA for getting eye treatment, which has been dismissed by Special Judge, CBI, Punjab vide order

dated 16.12.2013.

Thereafter, the present petition has been filed for granting permission to enable the petitioner to get treatment from the doctor of his choice.

The prayer has been opposed only on the ground that proper medical treatment is available in India and there is no likelihood of his returning back to India keeping in view the age of the petitioner whereas the petitioner has placed on record copy of sale deed of his house, which is worth ₹ one crore.

The daughter of the petitioner is also settled in USA and a person has a right to have treatment of his choice and it cannot be said that the doctors are also available in India, and therefore, the petitioner should have got treatment in India only.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner is ready to furnish surety of his house, which is worth ₹ one crore, the present petition is allowed and the petitioner is allowed to visit USA for his treatment for a period of four months from the date of grant of his visa subject to furnishing surety of his house. Passport of the petitioner be released immediately for applying of visa.

Disposed of accordingly.

25.02.2015
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(DAYA CHAUDHARY)
JUDGE