

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4558 of 2015

Date of Decision : 18.03.2015

Sandip Somany

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

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

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

Mr. Jagmohan S. Ghumman, Advocate
for the complainant.

R.P. Nagrath, J. (Oral)

CRM No. 7644 of 2015

Application is allowed and copy of E-ticket (Annexure P-14) is taken on record.

CRM-M-4558 of 2015

Instant petition has been filed under Section 482 Cr.P.C. seeking permission to travel abroad for the period from 10.03.2015 to 20.03.2015 and from 31.03.2015 to 15.04.2015. The date fixed for evidence before the trial Court is 18.04.2015.

So far as the prayer for travelling abroad from 10.03.2015 to 20.03.2015 is concerned, the same has become infructuous as the period is almost over. The petitioner also applied to the trial Court for permission to go abroad but that prayer has been declined on 31.01.2015 vide order Annexure P-10.

I have heard learned counsel for the parties, perused the

impugned order and the paper-book.

Learned counsel for the petitioner submits that while granting pre-arrest bail to the petitioner, Hon'ble Supreme Court made observation that the petitioner has paid an amount of ₹ 10 crores to the complainant and the suit for specific performance filed by the complainant has since been withdrawn. It is further urged that the petitioner had earlier gone abroad on different occasions with permission of the trial Court on furnishing undertaking that he would return on time. The orders passed by the trial Court are Annexure P-12 (colly). It is submitted that the petitioner complied with those directions, returned on time and intimated the trial Court accordingly.

Learned counsel for the complainant, however, referred to the observation of Hon'ble Supreme Court while granting anticipatory bail to the petitioner that the petitioner shall not tamper with evidence or in any manner prolong or protract the proceedings pending before the trial Court. It was further directed that the petitioner will cooperate with the ongoing investigation.

Learned trial Court in the impugned order has made incorrect observation that the investigation of the case is still going on because the challan after investigation has since been presented and even the supplementary challan has been filed. The case is now fixed for complying with the requirement of Section 207 Cr.P.C. and the case is yet to be heard on the question of charge.

Learned counsel for the petitioner submits that copies of air tickets and hotel reservation for the period from 31.03.2015 to 15.04.2015 have already been placed on record.

I am of the view that apprehension of the complainant can be overcome if the petitioner is directed to furnish surety bonds with a surety who would deposit the original title/sale deed of his immovable property. Therefore, the instant petition is allowed and the petitioner is permitted to travel abroad from 31.03.2015 to 15.04.2015 on his furnishing undertaking before the trial Court that he would return on 15.04.2015. The petitioner is also directed to furnish bonds in the sum of ₹ 5 lacs with one surety of the like amount and the surety would deposit original title/sale deed of his immovable property for the purpose of compliance of aforesaid undertaking. The petitioner is also directed to appear before the trial Court on 16.04.2015 and give intimation of his return.

The trial Court would not insist upon accepting surety of a person who only belongs to Karnal but at the place where the petitioner is the resident and that of course would be subject to furnishing identity proof to the satisfaction of trial Court. The trial Court may also accept the original sale deed of some immovable property situated in Delhi.

Prayer has also been made for granting permission to travel abroad for the period of next one year. For that purpose, the petitioner may move to the trial Court as and when required and on moving such an application, the trial Court would decide the same within one week.

Allowed in the terms indicated above.

March 18, 2015
jk

(R.P. NAGRATH)
JUDGE