

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

Date of decision:25.08.2015.

Bahadur Singh Parmar

.....Petitioners

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.JBS Gill,Advocate for the petitioner
Mr.Kirat Singh Sidhu,Deputy Advocate General
for State of Punjab

Jaswant Singh,J.(Oral)

Petitioner is stated to be a Canadian citizen of Indian origin.

The dispute is between him and his brother regarding partitioning of their joint land. In the partition proceedings, the complainant brother is stated to have got better land, however, at the time of entering of mutation the petitioner in connivance with revenue officials is alleged to have got a forged mutation done of the orders of partition. The FIR is of the year 2004 and case is still at the stage of framing of charge and fixed for 19.10.2015.

It is stated that in the last 11 years the petitioner has not been able to go back to Canada. Still further he is stated to be suffering from heart ailment and therefore, has prayed for grant of permission to go back to Canada for a short period of six months and seek advanced

medical care in the light of his medical insurance available in Canada.

That prayer has been declined vide impugned order dated 25.2.2015 (P-1) passed by learned JMIC, Hoshiarpur.

Upon notice, respondents have filed their reply.

Learned counsel for the petitioner at the time of hearing has restricted his prayer for grant of only two months' time and that too after framing of the charge to enable him to visit Canada.

Learned State counsel on instructions from ASI Lakhvinder Singh very fairly states that subject to terms and conditions to be imposed by Trial Court as also with heavy sureties, the prosecution would have no objection for grant of some reasonable time to the petitioner to visit Canada after framing of charge, if any.

In view of the aforesaid agreed stand, the present petition is disposed of with the direction that the learned trial Court would expedite the order of framing of charge, if any, and thereafter, on a fresh application to be moved by the petitioner, permit him to visit abroad for a reasonable period subject to terms and conditions and heavy sureties to be imposed by the trial court.

With the aforesaid observations the present petition stands disposed of.

25.08.2015.
joshi

(Jaswant Singh)
Judge