

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

Criminal Misc. No.M-10156 of 2016

Date of Decision: 31.03.2016

Vikram Seth

....Petitioner(s)

Versus

State of Punjab

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Jhanji, Advocate
for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer made in the instant petition filed under Section 482 Cr.P.C. is for quashing of order dated 04.03.2016(Annexure P-11) passed by learned Judicial Magistrate Ist Class, Amritsar, whereby, the prayer of the petitioner to go abroad has been rejected.

The petitioner intends to visit Unites States of America (for short "U.S.A.") in regard to his business meeting, as he deals with the business of export of readymade garments. The only ground for rejection of the application of the petitioner is that the case is at initial stage, wherein, the petitioner, namely, Vikram Seth has just put in his appearance and being preliminary stage, it is difficult to judge the intention of the petitioner.

Learned counsel for the petitioner contends that the petitioner is merely a witness to the agreement to sell and apart from this fact, earlier also he has approached this Court by way of Criminal Misc.M-No.26594-2015 titled as "Vikram Seth Vs. State of Punjab" for seeking similar relief and this Court was pleased to allow the petitioner to go abroad, however, subject to certain conditions. He further contends that the petitioner is ready to abide by terms and conditions, as imposed by this Court vide order dated 07.09.2015 in Criminal Misc.M-No.26594-2015. He also submits that the permission is being sought to travel abroad from 06.04.2016 to 30.04.2016.

Though, notice of motion was issued in the case on 22.03.2016, however, no reply has been filed.

Learned counsel for the State submits that nobody has come forward in Court today to assist him in the case.

Heard.

Taking into consideration the nature of the relief claimed in the petition i.e. prayer to go abroad (USA) from 07.04.2016 to 27.04.2016, which is date is very close, present petition is allowed. Accordingly, order dated 04.03.2016 (Annexure P-11) passed by learned Judicial Magistrate Ist Class, Amritsar, is set aside and the petitioner is permitted to go abroad (USA) from 07.04.2016 to 27.04.2016, subject to the following terms and conditions:-

1. The petitioner shall execute a personal bond and two surety bonds in the sum of Rs.20 lacs to the satisfaction of the trial

Court/Duty Magistrate.

2. The petitioner shall bind himself to return from abroad and appear immediately before the trial Court to facilitate further proceedings into the matter.

3. In case during the period the petitioner is abroad and the petition is listed for hearing, his personal appearance shall be exempted and he shall be permitted to appear through his counsel.

4. On return, the petitioner shall continue to be bound by the old bond and conditions imposed while releasing him on bail and the conditions imposed for his going abroad shall cease to be operative.

However, it is also directed that the petitioner shall appear before the trial Court within a week from today and shall furnish the aforesaid undertaking alongwith an affidavit about his schedule of visit to abroad (USA) and on return from USA, he is further directed to submit an affidavit before the trial Court about his arrival.

31.03.2016

Anjal

**(HARI PAL VERMA)
JUDGE**