

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

Criminal Misc. No.M-13377 of 2016

Date of Decision: 05.05.2016

Vivek 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. P.S. Madahar, 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 05.04.2016(Annexure P-10) passed by learned Judicial Magistrate Ist Class, Amritsar, whereby, the prayer of the petitioner to go abroad has been rejected. A prayer has also been made to allow the petitioner to travel United States of America (for short "U.S.A.") and Spain for a period from 12.05.2016 to 01.06.2016.

Learned counsel for the petitioner contends that son of the present petitioner, namely *Sharan Seth*, who is pursuing his study in U.S.A., is going to get degree of graduation in the convocation, and the petitioner alongwith his wife has been invited by the college to attend the graduation ceremony which is

to be starting from 13.05.2015 to 15.05.2016. He further submits for the relief claimed in the instant petition, the petitioner has earlier approached the learned trial Court, seeking permission to visit abroad from 12.05.2016 to 31.05.2016, but the same was rejected, vide order dated 05.04.2016 (Annexure P-10) with the observation that the offence against the petitioner are serious in nature and at this stage, it would not be safe to grant permission to the petitioner to visit abroad for the aforementioned period. He also submits that in the application filed before the learned trial Court, inadvertently, the petitioner has mentioned the period to visit abroad from 12.05.2016 to 31.05.2016, instead of 12.05.2016 to 01.06.2016.

To substantiate his arguments, learned counsel for the petitioner further submits that in the similar circumstances, the co-accused of the petitioner, namely, *Vikram Seth*, has been granted permission by this Court to travel abroad on different occasions vide orders dated 07.09.2015 and 09.12.2015 passed in CRM-M-No.26594 of 2015 titled as **Vikram Seth Vs. State of Punjab**, and order dated 31.03.2015 passed in CRM-M-No.10156 of 2016 titled as “ **Vikram Seth Vs. State of Punjab**”.

On the other hand, learned counsel for the State, on instructions from SI-Sohan Lal, submits that he has no objection in case the petitioner is allowed to visit abroad for the said period, but strict conditions may be imposed upon him and he be directed to report his arrival to the trial Court immediately after the expiry of said period.

Heard.

Taking into consideration the nature of relief claimed in the petition i.e. prayer to go abroad (U.S.A. & Spain) from 12.05.2016 to 01.06.2016 to attend the convocation function of his son, who is pursuing his study in U.S.A., coupled with the fact that in such like circumstances, the co-accused has already been granted permission to visit abroad by this Court on different occasions, present petition is allowed.

Accordingly, order dated 05.04.2016(Annexure P-10) passed by learned Judicial Magistrate Ist Class, Amritsar, is set aside and the petitioner is permitted to go abroad from 12.05.2016 to 01.06.2016, 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 abroad and on return. He is further directed to submit an affidavit before the trial Court about his arrival.

05.05.2016
Anjal

(HARI PAL VERMA)
JUDGE