

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM No.M-13482 of 2015
Date of decision: January 18, 2016.

Kuldeep Singh

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Asstt. Advocate General, Punjab.

Mr. Deepak Arora, Advocate for respondent No.2.

Mr. Indresh Goel, Advocate for respondent No.3.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Respondent No.3 has already filed the reply whereas learned counsel for the State states that there is no need to file reply.

Impugned in the present petition is the order dated 10.11.2014 passed by learned Judicial Magistrate 1st Class, Gurdaspur vide which the application of the present petitioner Kuldeep Singh for seeking permission to visit USA was declined.

Both the parties have been heard.

It comes out that a complaint under Sections 452 and 323 IPC is pending against the petitioner. Petitioner claims that he holds

green card, issued by USA authorities and that if he does not stay in the said country for six months, his card will be cancelled, therefore, permission is sought to visit USA.

Admittedly, the charges against the petitioner are not of serious nature. He was earlier living in USA. Therefore, previous order does not come in his way. Since, as per the requirement of the USA authorities, green card holder is required to stay in the country for a certain period in a year, therefore, permission has to be granted to the petitioner to visit USA. Learned Counsel for the petitioner contends that the petitioner intends to stay in USA for two months. As such, the impugned order is set aside. Permission is granted to the petitioner to visit USA for a period of two months on his furnishing surety bonds in the sum of Rs.50,000/- before the lower court. The petitioner shall also file an undertaking before the lower court that evidence in this case may be recorded in his absence but in the presence of his counsel and that after the expiry of the stay period, he will return to India.

The petition stands allowed accordingly.

January 18, 2016.
kadyan

[Kuldip Singh]
Judge