

**123+273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.16743 of 2016 in/and
CRM-M No.16763 of 2016
Date of Decision: May 20, 2016**

Santokh Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Deepinder Brar, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

CRM-16743-2016

Application is allowed as prayed for.

Copy of the passport as Annexure P-5 is taken on record.

Main Case

Heard.

It comes out that the allegations against the petitioner are that he along with his two brothers entered into an agreement to sell with Sukhminder Singh and Jasbir Singh in the year 2011. The time of execution of the sale deed was extended. The present petitioner is stated to have been issued a legal notice to execute the sale deed within 10 days but it is claimed that the complainant did not come forward to get the sale deed executed. Therefore, the earnest money was forfeited. It is also not disputed that the petitioner has filed a suit

for declaration that the said agreement stands cancelled, whereas the complainant has filed a cross civil suit for recovery.

However, in the year 2015, the present petitioner was booked under Sections 406 and 420 IPC. The quashing petition against the said FIR is pending before this Court for hearing. The petitioner is British National and permanent resident of England. The lower court has refused to allow him to go back to England. The petitioner has furnished the copy of his passport and OCI card mentioning his permanent address.

In these circumstances, without commenting upon the merits of the case, it is deemed proper that the petitioner should be allowed to go back to his country and directed to come back whenever he is required to be present in the court.

Learned counsel for the State has informed that the next date of hearing before the lower court is 03.08.2016 for framing of the charge. At the time of hearing arguments on framing of charge, the presence of the petitioner is not required. He is required to be present only when the charge sheet is to be signed.

In these circumstances, the impugned order dated 02.05.2016 (Annexure P-4) passed by the learned Judicial Magistrate 1st Class, Ludhiana is set aside and the petitioner is granted permission to visit England for the period of six months on his furnishing personal bonds in the sum of ₹5,00,000/- with one like surety to the satisfaction of trial court/Duty Magistrate with the undertaking that if he is directed to come present on earlier date or

his personal appearance is required, he shall come present on the date fixed by the lower court, otherwise his personal appearance shall remained exempted.

The petition is accordingly allowed.

May 20, 2016
sarita

**(KULDIP SINGH)
JUDGE**