

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

Crl. Misc. No.M-1718 of 2015 (O&M)

Date of decision : 15.01.2016

Inderjit Kaur and another

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Himani Kapila, Advocate
for the petitioners.

Mr. Sidakmeet Sidhu, AAG, Punjab.

Mr. Parampreet Singh Brar, Advocate
for respondent no.2.

ANITA CHAUDHRY, J(ORAL)

The petitioners have assailed the order dated 05.11.2014, passed by ACJM, Faridkot and order dated 20.12.2014, passed by Additional Sessions Judge, Faridkot, whereby the application filed by the petitioners seeking permission to go abroad had been dismissed.

The background is necessary. An FIR under Section 498A, 406 IPC had been registered on 11.09.2013. The son of the petitioners had been married to the complainant, who is abroad. P.O. proceedings are pending against the son.

An application had been filed by the petitioners pleading that another son Sukhjinder Singh was living in Arizona (USA) and his wife was in the family way and the delivery was expected in September/October, 2014 and they needed to travel to help the family. The ACJM, Faridkot had dismissed the application on 05.11.2014.

The trial Court found a contradiction in the prayer made as on one hand, it was pleaded that they wanted to visit their son as their daughter-in-law was expecting and on the other hand it was stated that they had to spend 90/100 days for continuation of their P/R. The trial Court found that there was no medical record to show that the daughter-in-law was expecting. It noted that P.O. proceedings had been initiated against their son and it dismissed the application. Aggrieved with the same, a revision was preferred which too had been dismissed.

The counsel for the petitioner refers to ***Anjal Kumar @ Angel Kumar Vs. State of Punjab and another 2010(1) RCR (Criminal) 201*** and urges that petitioners are permanent residents of USA and they are required to spend some time for continuation of their residency and the challan had been presented and the case was fixed for prosecution evidence and they be permitted to go abroad.

The State counsel urges that the main accused is absconding and they have not been able to arrest him and proclamation had been issued and if he does not appear, he would be declared proclaimed offender. It was urged that if the petitioners

leave then they would also not return. A query was posed if the son of the petitioners intended to come to India. They had no instructions in this regard.

The prayer had been made for travelling abroad as the daughter-in-law was expecting. The birth of the child has already taken place. No material had been placed on record by the petitioners to show at that time that the daughter-in-law was expecting. Against the son of the petitioner, proceedings have been initiated under Section 82 Cr.P.C. and that was in 2014. I find no illegality in the orders. No willingness has been shown that the son intended to come back to India.

The petition is dismissed.

15.01.2016

sunil

**(ANITA CHAUDHRY)
JUDGE**