

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

Crl. Misc. No.M-1946 of 2016

Date of Decision: 20.01.2016

Harbans Kaur

....Petitioner

Versus

Asha Rani

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Z.S. Chauhan, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed for quashing of order dated 01.12.2015 passed by Sub Divisional Judicial Magistrate, Phillaur in Criminal Complaint No.108/1/14 dated 11.09.2014 and order dated 16.11.2015, whereby, the petitioner has been imposed a condition of furnishing bank guarantee amounting to ₹ 5 lacs for going abroad.

Learned counsel for the petitioner submits that an application dated 01.12.2015 was moved by the petitioner for modification of condition imposed vide order dated 16.11.2015 to the extent that the same be reduced to ₹ 2 lacs from ₹ 5 lacs but the request was declined only on the ground that the Court has no power to recall its own order. He further submits that earlier also, the petitioner went abroad after getting permission from the same Court and it was directed to furnish bank

guarantee amounting to ₹ 2 lacs. He further submits that the petitioner is a widow; an old lady and is not in a position to furnish bank guarantee amounting to ₹ 5 lacs.

Heard the arguments of learned counsel for the petitioner and have also perused the orders placed on record.

By considering the limited prayer of the petitioner and the fact that earlier also, she was allowed to go abroad by furnishing bank guarantee amounting to ₹ 2 lacs but at this time, she has been ordered to furnish bank guarantee of ₹ 5 lacs, without issuing any notice to the respondent, the present petition is disposed of and order dated 01.12.2015 passed by Sub Divisional Judicial Magistrate, Phillaur is modified to the extent that bank guarantee amounting to ₹ 5 lacs is reduced to ₹ 2 lacs. However, the other terms and conditions shall remain the same.

The petition is disposed of accordingly.

20.01.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE