

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

CRL. MISC. No.M-27389 OF 2016
DATE OF DECISION : 24th AUGUST, 2016

Simarjit Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Gursimran Singh, Advocate for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. for setting aside order dated 07.06.2016 and seeking permission to go aboard for a period of three months. The petitioner is facing trial in FIR No.8, Dated 19.01.2010 registered under Sections 458 and 427 at Police Station Division No.7, District Jalandhar.

Heard learned counsel for the rival parties.

Learned State counsel submits that out of total eight witnesses six have been examined by the trial Judge and only two have remained to be examined who will be examined on the next date of hearing i.e. 09.09.2016, therefore, it is not necessary to grant permission claimed by the petitioner.

In response, learned counsel for the petitioner submits that the petitioner is a woman whose daughter is to deliver a child and therefore, in order to take care of her daughter she wants to go to New York for a period of three months. According to him she is facing the

trial for the last six years and her husband is already in India who continues to face the prosecution.

In my opinion looking to the offence alleged against the petitioner namely Sections 427 and 458 of IPC being tried before the Magistrate there is absolutely no point in denying the permission to the petitioner for going abroad in order to take care of her daughter who is going to deliver a child. Obviously, the daughter requires care of mother.

In view of above, the petition is allowed. Rule is made absolute in terms of prayer clause which reads thus:

“It is therefore, most respectfully prayed that the present application may kindly be allowed and the impugned order dated 7.6.2016 **Annexure P2** be set aside and the petitioner be permitted to go abroad (New York) for a period of three months from August 31, 2016, who is facing trial before the learned JMIC, Jalandhar in FIR No.8 dated 19.1.2010 u/s 458/427 IPC registered at Police Station Jalandhar.”

The petitioner shall report to the trial Court accordingly after three months. Consequently, impugned order 07.06.2016 (Annexure P-2) is quashed and set aside. Trial Court shall grant exemption from personal appearance to the petitioner.

24th AUGUST, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.