

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

CRM-M-29-2016

Date of Decision: January 08, 2016

Jaswant Singh @ Uttar Singh

.....Petitioner

Versus

State of U.T.Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. *Whether Reporters of local papers 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?*

Present: Mr.R.K.Dogra, Advocate
for the petitioner.

Mr.A.S.Virk, Addl.P.P., U.T., Chandigarh.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Challenge in the present petition is to the order, dated 22.12.2015, Annexure P4, passed by learned Sessions Judge, Chandigarh, whereby the permission sought by the petitioner to go to Malaysia for renewal of his Malaysian passport was declined.

Learned counsel contends that the petitioner, who is aged about 70 years, is facing trial for the offence punishable

under Sections 120-B, 420, 467 and 468, IPC, in a case arising out of FIR No.4, dated 02.07.2009, registered at Police Station, Vigilance Bureau, Chandigarh, for the last about six years. During investigation and trial, he was released on bail and did not misuse the said concession throughout. He further submits that trial of the case would still take a long time since it is pending for recording of the prosecution evidence. He further submits that if the petitioner is permitted to go to Malaysia, then he would come back before 28.01.2016, the date fixed before learned trial Court for recording of the remaining prosecution evidence. He further submits that the petitioner has immovable property in India and roots in the society and, as such, unlikely to run away from the trial.

Learned counsel for the State initially opposed the prayer of the petitioner to allow him to go to Malaysia for renewal of the passport at the fag end of the trial, but when the matter was discussed in detail then he fairly agreed that on the undertaking of the petitioner that he (petitioner) would come back India before 28.01.2016, the date fixed before learned trial Court, he does not have any objection to the prayer made in the present petition.

In view of the totality of the facts and circumstances of the case, order dated 22.12.2015, Annexure P4, passed by learned trial Court is set aside and the petitioner is permitted to visit Malaysia and return to India before 28.01.2016, the date fixed before learned trial Court.

It is made clear that in case he flouts the order passed by this Court, then the bail bonds furnished by him would be forfeited to the State.

January 08, 2016
meenu

(NARESH KUMAR SANGHI)
JUDGE