

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

**CRM-M-32172-2016
Date of decision: 14.09.2016**

Naveen Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Khatkar, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C is for quashing of order dated 21.07.2016 (Annexure P-4) passed by the Judicial Magistrate Ist Class, Jalandhar, whereby application filed by the petitioner for release of Fixed Deposit Receipt (FDR) of Rs.5 lacs, has been declined.

The petitioner is an NRI. Initially, on the statement made by Smt. Jyoti Vaid-complainant, FIR (Annexure P-1) had been registered against her husband namely Sunil Vaid (brother of the petitioner). Thereafter, on the basis of supplementary statement made by the complainant, the petitioner was also implicated in this case. Vide order dated 07.06.2016 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Jalandhar, permission was granted to the petitioner to visit abroad (Australia) for a period of four months, subject to furnishing of FDR to the tune of Rs.5 lacs. He was further directed to mark his presence after four months, failing which the FDR would be forfeited to the State. During investigation, the petitioner and his mother have been declared innocent and the challan has been presented only against the husband (brother of the petitioner) of the complainant.

Keeping in view that the petitioner has been kept in column No.2 of the report under Section 173 Cr.P.C., the order dated 07.06.2016 (Annexure P-2) is modified to the extent that the petitioner shall not get his presence marked after a period of four months of passing of said order, before the trial Court. Any order with regard to release of FDR of Rs.5 lacs shall be passed by the trial Court at final stage of the trial. However, the petitioner is at liberty to avail appropriate remedy in accordance with law, in case proceedings under Section 319 Cr.P.C. are initiated against him at the later stage of the trial.

Disposed of accordingly.

14.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No