

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35354 of 2016
DECIDED ON: December 19, 2016

SAKATTAR LAL @ SATINDER MASIH @ SATINDER

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

Mr. G.S. Khandewad, DAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 482 of the Code of Criminal Procedure, the petitioner has sought setting aside of order dated 18.01.2016 (Annexure P-13) whereby an application filed by the petitioner for returning of his passport and permission to go abroad during the pendency of trial arising out of FIR No. 234, dated 25.09.2015, has been declined as well as order dated 02.09.2016 (Annexure P-17) whereby the revision petition preferred by him before the ld. Sessions Court has been dismissed.

2. Undoubtedly, the petitioner is facing the trial in the above mentioned FIR, in which, challan has already been presented. The petitioner has sought permission on the ground that he is suffering from some cardiological problem and for that purpose, he is already under the care of London North

West Healthcare, NHS Trust in United Kingdom. Though, some of the appointments were fixed but since the petitioner has been in India, he could not get the benefits of those appointments.

3. During the course of arguments, it has been submitted by learned counsel for respondent No.2 as well as by learned State counsel that there are serious and specific allegations against the petitioner that he has committed fraud and further that he is a holder of more than 1 passport and solemnized marriage with 3-4 ladies but all these facts are not relevant for the disposal of petition in hand. The petitioner is the master to get the treatment of his own choice and for the simple reason that similar treatment is also available in India, should not be a ground for declining the relief.

4. Apprehension has also been shown by learned counsel for complainant as well as learned State counsel that the petitioner is likely to abscond, in case, he is granted the permission and would not return to India but for that reason, some stringent conditions can be imposed. Thus, without commenting on the merits of the case and keeping in view the fact that the medical treatment is required to the petitioner, the instant petition is allowed. The trial court is directed to return the passport of the petitioner on his furnishing heavy surety and imposing stringent conditions at his satisfaction. It is made clear that permission is granted only for a period of two months from the date of his release.

December 19, 2016

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**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No