

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-41360 of 2016
Date of decision : November 22, 2016

Raj Reddy Kallem

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sandeep Verma, Advocate, for the petitioner

Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

Learned State counsel, on instructions from ASI Karam Chand, Police Station Mahesh Nagar, District Ambala has submitted that only allegations against petitioner Raj Reddy Kallem are that while being Managing Director of M/s Farmax Machines Pvt. Ltd., Bangalore, a dispute over a sum of Rs 1.5 crores have arisen between him and complainant Chander Lekha Jain, Proprietor of M/s Hindustan Thermometers and that the petitioner is certainly running his business. Learned State counsel though has not opposed the grant of relief being sought in this petition for enabling the petitioner to go to China for a period of 15 days but has sought to allay fears that he might not come back if allowed the relief and has harboured on the assertion that heavy surety be taken from him.

Heard.

As has been contended by learned counsel for the petitioner that on account of summoning of certain accused with the aid of section 319 Cr.P.C. there has been virtually retrial of the case which is not likely to be completed in near future. Having regard to the fact that the petitioner is a businessman and has varied business interests and to ensure that his business interests as well as his personal liberty is not curtailed on such averments and the ultimate guilt if any is to be determined after the trial, the Courts needs to be liberal and not to take strict approach in such matters. In the light of the same, the impugned order dated 2.11.2016 Annexure P/1 passed by the learned trial court is hereby set aside. The petitioner is allowed to visit China for 15 days with effect from the date he leaves this country and shall report back to the trial court immediately after completion of 15 days period subject to his furnishing of bank guarantee of Rs 1.5 crore as well as personal bond to the same extent with two sureties to the satisfaction of the trial court. Keeping in view as has been submitted by counsel for the petitioner that the passport of the petitioner is presently lying with the trial court, the trial court is directed to hand over the passport to the petitioner for that very purpose to enable him to visit China after placing on record photostat copy of the same. The petitioner shall undertake to hand over back the original passport to the trial court on his return and reporting back to the trial court. The petitioner shall also give undertaking that he shall have no objection if the trial court proceeds in his absence and shall

have no objection to the evidence so recorded.

The petition stands disposed off in those terms.

Copy of the order be given under the signatures of Bench
Secretary.

November 22, 2016
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>