

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

CRM No. M-11535 of 2017

Date of decision: 03.04.2017

Himmat Rai

..... Petitioner.

Versus

The State of Punjab and anr.

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Rai, Senior Advocate, with
Ms. Rubina, Advocate for the petitioner.

LISA GILL, J.

Prayer in this petition is for setting aside order dated 28.01.2017 (Annexure P-1) passed by the learned Judicial Magistrate 1st Class, Jalandhar.

The petitioner sought permission to travel abroad from 31.01.2017 to 23.02.2017 as he is stated to be a professional Golfer. He intended to leave India for participation in various tournaments. Permission was afforded to the petitioner to leave India for the said purpose, subject to certain conditions mentioned in the impugned order dated 28.01.2017 (Annexure P-1) itself. The petitioner is aggrieved of some of the conditions imposed, specifically in regard to the surrender of his passport and furnishing of a bank guarantee/FDR in the sum of Rs. 10 lakhs with a personal surety.

It is submitted that as the petitioner is a professional Golfer, he is required to travel out of India for the purpose of participation in Golf Tournaments held all over the world. Therefore, he should be afforded permanent exemption and permission to travel as and when required.

However, the petitioner did not travel between 31.01.2017 to 23.02.2017 as the tournaments in question were not held on the specified dates.

It is not in dispute that the permission sought was for travelling abroad from 31.01.2017 till 23.02.2017. The said permission was afforded vide order dated 28.01.2017, subject to certain conditions. These conditions were not challenged at the relevant time and neither the petitioner travelled out of India during this period. Accordingly, the present petition is clearly infructuous as no cause of action has arisen to the petitioner to approach this Court.

Learned counsel for the petitioner, however, submits that the petitioner is now required to leave the country for the tournaments commencing from 12.04.2017 at Kaulalampur in Malaysia, therefore, in case similar conditions are imposed it shall work to the petitioner's prejudice.

Needless to say that there cannot be any adjudication in a vacuum as undoubtedly the petitioner has not filed any application before the learned trial Court seeking further permission to travel abroad in connection with participation in the Golf Tournaments. The matter shall be considered by the learned trial Court in accordance with law, as and when the petitioner seeks such permission.

This petition is disposed of, accordingly.

(LISA GILL)
JUDGE

03.04.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*