

CRM-M-11565 of 2017 (O&M)

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

CRM-M-11565 of 2017 (O&M)

Date of Decision: 18.07.2017

Jagraj Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. K.S. Dadwal, Advocate, for the petitioner.

Mr. B.S. Baath, DAG, Punjab.

Mr. Vivek Gupta, Advocate,

for Mr. G.S. Hooda, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 of the Code of Criminal Procedure, has been made to quash the order dated 15.03.2017 (Annexure P-5) passed by the trial Court at Samrala, declining the prayer of the petitioner for going abroad in case FIR No.27 dated 29.01.2015 (Annexure P-1) under Sections 420, 406, 120-B IPC registered at Police Station Samrala, District Khanna.

Petitioner, who is on anticipatory bail, is facing trial in the aforesaid FIR before the trial Court at Samrala. Petitioner moved an application before the trial Court to grant him permission to go abroad for a period of three months to sell his car and house situated in Canada as he was suffering huge losses on account of enhancement in the amount of interest of loan obtained by him at the time of purchasing the same. The said application has been rejected by learned Magistrate vide impugned order dated 15.03.2017 (Annexure P-5) on the ground that the petitioner had not

submitted any document in support of his application.

Learned counsel for the petitioner contends that the petitioner is

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ready to abide by any of the conditions to be imposed by this Court to secure his return to India between the time allowed to him. The petitioner wants to dispose of his house and car purchased by obtaining loan in Canada. Perusal of account statement (Annexure P-8) shows that a sum of ₹ 10 lakh was sent by the petitioner to discharge his loan liability in Canada. In support of his contentions, learned counsel relied upon the judgment of the Hon'ble Supreme Court in *Srichand P. Hinduja v. State through C.B.I., New Delhi*, 2002(3) R.C.R.(Criminal) 186 and the judgments of this Court in *Bikramjit Singh @ Bikram v. State of Punjab*, 2014(32) R.C.R.(Criminal) 467 and *Naginder Singh Rana v. State of Punjab*, 2004(3) R.C.R.(Criminal) 912.

On the other hand, learned counsel for respondent No.2 opposed the application of the petitioner.

After giving my thoughtful consideration to the submissions made by both the sides, petitioner is allowed to visit Canada for a period of three months from the date of his departure subject to the condition that the petitioner shall furnish the surety bond in the sum of ₹ 50 lakh in the shape of immovable property and ₹ 5 lakh in cash along with undertaking that he will definitely return within three months from the date of his departure and would abide by the following conditions enumerated in Section 438(2) of the Code of Criminal Procedure: -

- “(i) Petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) X X X X X X
- (iv) Such other condition as may be imposed under sub-section

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(3) of section 437, as if the bail were granted under that section.”

Disposed of accordingly.

July 18, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No