

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

CRM-M-21382 of 2017(O&M)

Date of Decision: 20.06.2017

Himalyani Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.B.S. Bedi, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana

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HARINDER SINGH SIDHU, J.

Crl. Misc. No. 19617 of 2017

The application is allowed and documents Annexures P-7 and P-8 are taken on record, subject to all just exceptions.

CRM stands disposed of.

Crl. Misc. M - 21382 of 2017

The petitioner is seeking direction for release of her passport and granting her permission to go United Kingdom to enable her to attend the wedding reception of her son, which is to be celebrated on 1st and 2nd July, 2017.

The petitioner is a practising lawyer at Delhi and is facing trial in case FIR No. 85, dated 21.03.2016, under Sections 147, 149, 456, 457, 447, 448, 395, 120-B IPC registered at Police Station Ambala Cantt., District Ambala.

Learned counsel for the petitioner states that the marriage of son of the petitioner, namely, Gaurav Gupta, was solemnised with Sayana Maria Gonzalez on 05.10.2016 in Delhi. The wedding reception of her son and daughter-in-law has been fixed for 1st and 2nd July, 2017 in London. The petitioner being the only living parent of the bride-groom and her presence is very much mandatory for the occasion. The said celebration would be attended by all the family members of the bride and the bride-groom.

Learned counsel for the petitioner undertakes that if the petitioner is permitted to go abroad, she would abide by all the conditions that would be imposed upon her by the Court.

Learned State counsel on the other hand contends that the petitioner is guilty of having misappropriated the trust property and there is every apprehension that the petitioner would not return to face the trial.

Be that as it may, the petitioner at present is only facing trial. She has not been convicted by any Court of law. The right to go abroad is a fundamental right. The apprehension of respondent-State that the petitioner may not return to face trial can be taken care of by directing her to furnish heavy security.

Learned counsel for the petitioner states that in order to allay any apprehension of the petitioner evading any process of law in addition to any other surety as may be directed by the trial Court, the petitioner would also deposit original title deed of property of her son namely, Gaurav Gupta, i.e B-444, Basement and Ground Floor, New Friends Colony, New Delhi.

Accordingly this petition is allowed. The respondents are directed to release the passport of the petitioner to enable her to visit United Kingdom, for a period of two weeks' on her furnishing bonds/surety to the satisfaction of the trial Court. Additionally the petitioner would also deposit with the trial Court the original title deed of property of her son as mentioned above. The petitioner will return and surrender her passport before the trial Court on or before 05.07.2017.

A copy of this order be given to learned counsel for the petitioner under the signatures of Special Secretary of this Court.

June 20, 2017

Poonam II/Shalini

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No