

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

CRM-M No.21665 of 2017
Date of decision: 9th June, 2017

Jatinder Vashisht

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

Notice of motion.

On the asking of Court, Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab accepts notice on behalf of the respondent/State. Copy of the paper book is supplied to him.

In the light of contentions raised by learned counsel for the petitioner and in view of the urgency involved whereby reliance has been sought to be placed on the orders of the Juvenile and Domestic Relations Court of Prince William County, USA dated 17.04.2017 (Annexure P4) whereby stress is sought to be placed on para No.10 of this order, which is reproduced herein below to lay emphasis:

“10. That the minor child will remain at 5023 Quell Court, Woodbridge, Virginia, under the care and supervision of Satya Vashisht, until the minor child is

transferred to the physical custody of his Mother, in California, on June 17, 2017.”

Thus, in view of the urgency involved and extraordinary circumstances that have come about in this petition and the ends of justice, impels this Court to take up the matter in spite of the fact that the petitioner has failed to approach the trial Court for such a relief.

Appreciating the submissions of the two sides and keeping in view that the petitioner Jatinder Vashisht is a citizen of USA and there is dispute over the custody of minor child born out of his wedlock with Monika Sharma on 16.11.2005, if the prayer sought for is not granted, would certainly bring about more hardship and misery for the petitioner resulting in multiplicity of litigation with every eventuality, justice remaining elusive. Thus, in the interests of justice exercising these extraordinary powers under Section 482 Cr.P.C. this Court allows the prayer made in this petition and grants permission to the petitioner Jatinder Vashisht to go abroad for a period of 2 months with effect from today, subject to his furnishing bank guarantee/surety bonds before the trial Court/Duty Magistrate in the amount of Rs.5.00 lacs with two sureties in the like amount each to the satisfaction of the trial Court. The petitioner would ensure that he returns back and appear before the concerned Court. The petitioner if unable to exercise this option, may

deposit the amount of Rs.10.00 lacs before the concerned Court at Ropar
in fulfillment of this very stipulation in the alternative.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

June 9, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No