

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

CRM-M No.27060 of 2017 (O&M)

Date of Decision : 02.08.2017

Vivek Seth

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Amit Jhanji, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.23262 of 2017

Allowed as prayed for.

True types copies of Annexures P-1 to P-8 (Colly) are taken on
record, subject to all just exceptions.

CRM-M No.27060 of 2017

In this petition, the petitioner has challenged the order dated 17th July, 2017 passed by the Ld. Judicial Magistrate 1st Class, Amritsar in case FIR No.298, dated 26th September, 2013 registered under Sections 420, 120-B IPC at Police Station Civil Lines, Amritsar, vide which the petitioner's application for permission to travel abroad was dismissed.

Notice of motion.

On asking of the Court, Mr. V.G. Jauhar, Senior Deputy
Advocate General, Punjab accepts notice on behalf of the respondent-State.

A copy of the paper book has been supplied to him.

The contention of the petitioner is that in connection with his garments related business, he has to travel abroad to the U.S.A. from 6th August, 2017 to 27th August, 2017. But his prayer to that effect was rejected by the Ld. Trial Court on the ground of “seriousness of the offences alleged”. It transpires from the record that in the past also, the petitioner had been granted similar liberty by this Court in CRM-M No.13377 of 2016 decided on 5th of May, 2016 by a Co-ordinate Bench of this Court. However, he never misused that liberty. The relevant orders in this regard are on record as Annexure P-8 collectively, which concern not only the petitioner but also his brother-Vikram Seth, who is co-accused in the same case and who was separately granted such liberty.

In the given circumstances, the prayer of the petitioner does appear to be in order. He is, therefore, permitted to travel abroad for the limited period between 6th August, 2017 and 27th August, 2017, subject to imposition of the same terms as were laid down in the earlier order dated 5th May, 2016, which is a part of Annexure P-8, with a further rider that his absence on the date of trial shall not be a ground for adjournment of proceedings, and that his Advocate(s) shall be required to participate in the normal proceedings in his absence, if so permitted by the Ld. Trial Court.

Disposed off, accordingly.

(SUDIP AHLUWALIA)
JUDGE

August 02, 2017
Dpr

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