

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

Criminal Misc. No.M- 34089 of 2017(O&M)

Date of Decision: September 20 , 2017.

Richa Sharma PETITIONER (s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. O.P.Goyal, Senior Advocate with
Ms. Ritika Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Vinod S.Bhardwaj, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for setting aside order dated 28.08.2017 (Annexure P5) passed by the learned Judicial Magistrate First Class, Jhajjar whereby permission has been granted to respondent No.2 to travel/visit Toronto (Canada) from 22.09.2017 till 29.09.2017 and Montreal (Canada) from 06.10.2017 to 15.10.2017.

Learned senior counsel for the petitioner submits that permission has been afforded to respondent No.2 by the learned trial court in a totally unjustified manner without imposing any kind of conditions for securing the presence of respondent No.2 in the proceedings arising out of FIR No.0058 dated 18.04.2017

under Sections 498A/506 IPC Police Station Women Cell, Jhajjar. Stringent conditions should have been imposed before permitting the petitioner to leave the country.

Mr. Vinod S.Bhardwaj, Advocate appears on behalf of respondent No.2 and files his power of attorney. The same is taken on record subject to just exceptions.

Learned counsel for respondent No.2 submits that his client is willing to abide by any conditions which may be imposed by this Court as respondent No.2 is admittedly working as Assistant Professor with the LNM Institute of Information Technology, Jaipur (Rajasthan). Respondent No.2 has sought permission to visit Toronto and Montreal (Canada) only for the purpose of attending two conferences which are to be held in Canada.. He is working at the abovesaid institute and shall be returning to attend his duties after 15.10.2017. Respondent No.2, it is submitted, undertakes to deposit a sum of ₹7,00,000/- before the learned trial court which may be released to the petitioner unconditionally in case respondent No.2 does not come back to India on the designated date as per his undertaking.

Keeping in view the facts and circumstances of the case, the present petition is disposed of with a modification in order dated 28.08.2017 (Annexure P5) passed by the learned Judicial Magistrate First Class, Jhajjar to the extent that permission is afforded to respondent No.2 to visit Toronto (Canada) from 22.09.2017 till 29.09.2017 and Montreal (Canada) from 06.10.2017 to 15.10.2017, subject to deposit of ₹7,00,000/- before the learned trial court as well as surety to the tune of ₹3,00,000/-.

The said amount of ₹7,00,000/- shall be released to the petitioner, in case respondent No.2 does not return to India on the designated date. This amount shall not count towards any kind of claim which the petitioner may have against respondent No.2. The said amount shall be returned to respondent No.2 in case he returns to India in terms of the order.

September 20 , 2017.
'om'

(LISA GILL)
JUDGE

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