

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

**CRM-M-39185-2017(O&M)
Date of decision: 13.10.2017**

Shinder Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Surinder Thakur, Advocate,
for the petitioners.

JAISHREE THAKUR, J. (ORAL)

CM-33323-2017

The application is allowed.

Documents Annexures P-1 to P-5 are taken on the record.

CRM-M-39185-2017

This is a petition filed by the petitioners under Section 482 Cr.P.C. seeking permission to go abroad during the pendency of the proceedings arising out of case FIR No. 47 dated 5.4.2008, under Sections 406, 420, 498-A, which had been registered at Police Station Sadar Raikot, District Ludhiana by one Smt. Satinder Kaur w/o Charanjit Singh. In the said FIR she had named 8 accused. The petitioners herein are accused No. 2 & 7 i.e. mother-in-law of the complainant and sister-in-law i.e. wife of the younger brother of the husband of the complainant (*Devrani*). The petitioners herein were declared as proclaimed offenders in the proceedings that had been initiated. In the meantime, co-accused came to be acquitted by

order dated 15.03.2016 by the Judicial Magistrate Ist Class, Jagraon holding that there was no evidence available on the record other than the bald statement of the complainant. After the said acquittal of the co-accused, the petitioners herein approached this Court for having the order declaring them as proclaimed offenders set aside and also expressed their willingness to face trial, which was allowed by order dated 19.07.2017. The petitioners approached the Duty Magistrate and furnished their personal bonds in the sum of Rs. 50,000/- with one surety in the like amount each, which was accepted by the Judicial Magistrate Ist Class (D), Jagraon by order dated 21.08.2017.

By way of the instant petition, permission is sought by the petitioners to go back to Canada whereof they are resident. It is contended that e-Visas issued to them were valid only for a period of 60 days and the same are to expire on 18.10.2017. The petitioners herein undertake that they are ready to furnish adequate security to ensure their presence back in India to face trial.

I have heard learned counsel for the petitioners and in view of the fact that co-accused have already been acquitted under the said FIR and the e-Visas are to expire on 18.10.2017, the petitioners herein are permitted to leave India subject to their furnishing a surety by deposit of title deed of their residential home at Phillaur or other papers of the home or other heavy surety and an affidavit with the undertaking that they will return to India on or before 15.12.2017 and appear in Court on the date so fixed.

In the meantime, the trial Court is directed to fix the case listed for 21.11.2017 to 18.12.2017, on which date the petitioners will appear in

Court. It is made clear that in case petitioners do not put in appearance on the date so fixed, in terms of their undertaking the surety amount shall stand forfeited.

The petition stands disposed of accordingly.

13.10.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.