

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-43330 of 2017
Date of Decision : 30.11.2017

Sukhcharan Kaur Brar

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General,
Punjab.

Mr. Arshdeep Singh Brar, Advocate
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petiitner has impugned the order dated 17.10.2017 (Annexure P-6) passed by JMIC, Moga, whereby respondent No.2 has been allowed to go abroad for a period of six months.

Learned counsel for the petitioner contends that respondent No.2 is an accused in FIR No.11 dated 30.03.2015 under Section 420 IPC registered at Police Station NRI, Moga and charges have been framed in that case and now the matter is listed on 13.12.2017 befoe the trial Court for examination of prosecution witnesses. He further contends that in case respondent No.2 is allowed to go abroad for six months, it will seriously hamper the trial.

Learned counsel further contends that he does not challenge the impugned order on merits and confines his prayer to the extent that the period of six months is highly excessive. He further contends that no specific date on which respondent No.2 has to return to India has been

mentioned in the impugned order and on the pretext thereof, respondent No.2 may not return back even after the expiry of period of six months.

Learned counsel for respondent No.2 contends that it is necessary for respondent No.2 to go abroad for renewing his green card and he has no objection if the trial continues in the presence of his counsel during the period of his absence.

Therefore, the petition is partly allowed and the impugned order dated 17.10.2017 is modified to the extent that respondent No.2 shall return to India by 15.04.2018. The rest of the terms and conditions of the order dated 17.10.2017 shall remain the same. The trial Court shall also continue with the trial in the presence of counsel for respondent No.2 during the period of his absence.

November 30, 2017
jt

(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>