

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

CRM-M-5921 of 2017 (O&M)
Date of decision: 03.04.2017

Brij Vassi Gupta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Amaninder Preet, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab
assisted by ASI Karnail Singh.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 15.02.2017 (Annexure P-6), passed by Judge Special Court, Patiala vide which the application of the petitioner for grant of permission to visit his ailing son in-law in USA was rejected.

It is contended that the petitioner was admitted to bail by the trial Court, vide order dated 15.02.2017. The petitioner has joined the investigation and his presence is not required in the matter. Otherwise also, the incident pertains to the year 2014 whereas the FIR came to be registered after two years on

08.08.2016. The petitioner is not involved in any other FIR.

On the other hand, the learned State counsel, on instructions submits that the petitioner is not required for the purpose of investigation, however, he states that two of the co-accused, namely Rajesh Gupta and Rajeshinder Gupta have not been arrested so far.

Heard.

The ailment of son in-law of the petitioner is not in dispute. The petitioner aged about 68 years is not involved in any other FIR. Considering the fact that the petitioner has joined investigation and has not misused the concession of bail, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is allowed to go abroad for 90 days from the date of his release, subject to furnishing heavy surety in the shape of indemnity bonds to the tune of Rs. 50 lakh to the satisfaction of releasing Court. The date of surrender is to be indicated by the releasing Court.

03.04.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes	No
Whether Reportable:	Yes No