

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 1517 of 2017 (O&M)

Date of Decision: 28.04.2017

Paramjit Kaur @ Ranjit Kaur Turna

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Anoop Verma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner Paramjit Kaur is an accused in case FIR No.135 dated 13.7.2008 under sections 218, 420, 465, 467, 472, 120-B I.P.C and section 12 of the Passport Act, registered at Police Station, City Moga.

The instant revision petition is directed against an order dated 24.3.2017, passed by learned A.C.J.M., Moga and whereby an application filed by the petitioner for release of her Passport, has been declined.

Counsel for the petitioner has been heard at length and the case paper book has been perused.

Placed on record is a copy of order dated 5.10.2016, passed by learned Sessions Judge, Moga, whereby a petition filed by the petitioner under Section 439 Cr.P.C seeking bail pending trial, has been allowed. Such concession was granted to the petitioner subject to certain conditions and which read as follows:-

“1. That applicant shall not give any threat or inducement to any prosecution witness.

2. That applicant shall not leave India without prior permission of the trial court.

3. That the applicant will appear before the trial court on each and every date of hearing.”

Clearly, the petitioner is bound by such conditions reproduced herein above and cannot leave the country without prior permission of the Trial Court.

Suffice it to notice that the allegations against the petitioner are that she had got issued her Passport by giving a wrong address as also by giving wrong name of her husband and on the basis of such Passport proceeded to U.S.A and where she got issued a new Passport. As per allegations, the new Passport was issued on the basis of a forged Ration Card, School Leaving Certificate and Pass Book of Punjab National Bank.

A specific query has been put to the counsel to disclose to this Court the basis for seeking release of the Passport. The response forthcoming is that the petitioner may sometime in the future opt to proceed abroad and as such, it is contended that the application seeking release of the Passport was well justified.

The contention and response of the counsel for the petitioner is found to be wholly ill founded.

The order dated 5.10.2016, passed by learned Sessions Judge, Moga granting concession of bail binds down the petitioner not to leave the country without prior permission of the Trial Court. In other words, even if the petitioner was to contemplate leaving the country, she would have to apply to the Trial Court to seek permission. Needless to observe that even if such prayer was to find favour with the court, the order at that point of time would take care of even the prayer of the petitioner for release of the Passport as well.

In the impugned order dated 24.3.2017 the learned A.C.J.M., Moga has clearly noticed that against the backdrop of the allegations against

the petitioner, investigation is still pending and the final report is yet to be presented. Court has also taken a view that in case Passport of the petitioner is released, there would be a distinct possibility of the petitioner fleeing from the country.

The impugned order is based on cogent and valid reasoning.

No interference in the matter is called for.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

28.04.2017

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Whether speaking/reasoned: Yes

Whether Reportable: Yes