

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

CRM-M-11331-2018

Date of decision:-15.5.2018

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

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

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Rishav Jain, Advocate for
Mr.Arun Jindal, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner – Balwinder Singh, aged about 75 years, an accused in FIR No.164 dated 10.8.2016 for the an offence under Section 306 IPC, registered at Police Station City South, District Moga challenging order dated 5.3.2018 passed by learned Additional Sessions Judge, Moga dismissing the application filed by petitioner for grant of permission to go abroad for three months, without considering the facts and

circumstances of the case.

According to the petitioner, he is residing in Hong Kong for the last more than 50 years; he has been involved in a false case though the matter has been compromised between the parties now; he has been granted regular bail by this Court and he has been appearing before the trial Court regularly; that as per law applicable to the petitioner, he being citizen of Hong Kong has to stay for at least 75 days in a year in Hong Kong, otherwise facilities like pension, medical travel already granted to him would be withdrawn, therefore, he wants to go to Hong Kong for three months. He had moved an application in that regard, which was dismissed by learned Additional Sessions Judge, Moga. The petitioner is ready and willing to comply with all the conditions, therefore, the petition be accepted.

Notice of the petition was issued to the respondents, who put in appearance through counsel. The State has filed the written reply craving for dismissal of the petition, whereas the complainant through counsel has admitted the factum of the matter having been compromised between the parties vide written compromise, copy of which being Annexure R-2/1.

I have heard learned counsel for the parties besides going through the record.

Keeping in view the facts and circumstances submitted in the petition and reiterated during arguments by learned counsel for the petitioner and the fact that the matter has been compromised between the parties and further that petitioner is ready and willing to comply with every condition imposed by the Court, I find that it would be in the

fitness of things and interest of justice, if the petitioner is granted necessary permission.

Therefore, the petition is accepted, the impugned order passed by learned Additional Sessions Judge, Moga is set aside, resultantly the petitioner is permitted to go to Hong Kong for a period of three months beginning from the date on which the passport is released to him, subject to the following terms and conditions:

- (i) he shall furnish personal bond in the sum of Rs.10 lakhs with one surety in the like amount for his return to India on completion of the permissible period; and
- (ii) he shall furnish an undertaking not disputing his identity and that he would be represented by a counsel, who would conduct proceedings during the trial and would not seek any adjournment for the reason that petitioner is not present in the Court.

The trial Court is directed to return the passport to the petitioner on his furnishing on record photocopy thereof duly attested by the petitioner/his counsel, against valid receipt.

15.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No