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

CRM-M No.1244 of 2018
Date of Decision: 25.01.2018

Harbhajan Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

On 12.01.2018, following order was passed:-

“Learned counsel for the petitioner contends that on earlier occasion, permission was granted to the petitioner to go abroad for three months vide order dated 13.07.2017 subject to furnishing bank guarantee in a sum of Rs.15 lacs. Due to some inadvertence, the said amount was deposited by the petitioner in his own account and went abroad. The petitioner was granted anticipatory bail on his explaining the mis-conception with regard to the aforesaid latch in not complying with the condition imposed by the trial Court.

Learned counsel further contends that

lease created by the petitioner is going to be expired on 31.01.2018 and his presence is required in order to renew it.

Notice of motion for 25.01.2018.”

Prayer made in this petition is to grant permission of four weeks to go abroad i.e. his place of residence/work at New Jersey, USA for renewing the lease of his house which is going to expire on 31.01.2018.

Petitioner is an accused in FIR No.20 dated 15.03.2012 under Sections 326, 323, 324, 34 IPC registered at Police Station Mehtiana, District Hoshiarpur and the case is pending at the stage of prosecution evidence in the court of Judicial Magistrate Ist Class, Hoshiarpur.

Learned counsel for the petitioner has pointed out that on earlier occasion vide order dated 13.07.2017, the petitioner was allowed to go abroad for the period from 13.07.2017 to 12.10.2017 subject to the condition that he will furnish surety bonds/guarantee bonds in a sum of Rs.15 lacs with one surety in the like amount to be paid to the complainant in case the petitioner does not return and subject to further condition that he will not dispute his identity and the proceedings of the case shall be recorded in the presence of his counsel. The petitioner could not avail the aforesaid opportunity due to some mis-conception but later on he was granted

anticipatory bail on his explaining the true picture.

Learned State counsel has opposed the prayer on the ground that the lease in USA can be revived even by attorney of the petitioner and the trial is fixed for 03.02.2018 and there is every likelihood that the trial may get delayed in the absence of the petitioner when only two witnesses remain to be examined.

Keeping in view the earlier conditional permission granted to the petitioner, I deem it appropriate to allow the petitioner to go abroad for a period of three weeks i.e. from 30.01.2018 to 20.02.2018 subject to his furnishing bank guarantee in a sum of Rs.20 lacs to be created in the name of the trial Court. The aforesaid permission is subject to further condition that the petitioner shall not dispute his identity and the proceedings before the trial Court shall be recorded in the presence of his counsel.

Disposed of.

25.01.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No