

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15550-2018

Date of decision: 20.04.2018

Surender Singla

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Aashna Gill, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of the order dated 10.04.2018 passed by the trial Court in FIR No.664 dated 19.10.2016 under Sections 406, 420, 506, 34 IPC, vide which the permission was declined to the petitioner to visit abroad from 19.04.2018 to 15.05.2018.

Notice of motion.

On asking of the Court, Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner submits that in similar circumstances, in another FIR No.349 dated 24.06.2016, following order has been passed by this Court in CRM-M-15540-2018 on 18.04.2018: -

“Counsel for the petitioner has submitted that in CRM-M No.23531 of 2017, the petitioner has been granted the concession of anticipatory bail in the present FIR, vide order

dated 17.07.2017 and the same is now fixed for 21.05.2018. It is further submitted that on an earlier occasion, the trial Court vide order dated 05.09.2017 and 27.11.2017 has granted permission to the petitioner to travel abroad subject to furnishing surety bonds, however, vide impugned order dated 10.04.2018, the trial Court has declined the permission only on the premise that since the investigation is to be completed and the challan is likely to be presented, it will not be appropriate to grant permission to the accused (petitioner herein) to leave the country for visiting abroad.

Counsel for the petitioner has further argued that the petitioner is a businessman and in his ordinary course of business, he has to travel abroad. It is further submitted that the petitioner is engaged in the business of import and export and for that purpose, he has to regularly visit various countries and on an earlier occasion, when permission was granted, he has never misused the said concession and has returned back to India within time. Counsel for the petitioner has also submitted that the petitioner has his own family and property in India and there is no possibility that he may flee from the process of justice.

On the other hand, counsel for the State has opposed the submissions made by counsel for the petitioner.

After hearing the counsel for the parties, I deem it appropriate to allow this petition as even on an earlier

occasion, the trial Court has granted permission to the petitioner to travel abroad and he has returned back to India within time. Accordingly, the present petition is allowed, the impugned order dated 10.04.2018 passed by the trial Court is set-aside and the petitioner is granted permission to travel abroad from 19.04.2018 to 15.05.2018 subject to deposit of Rs.2,00,000/- with the trial Court. The petitioner shall also furnish an undertaking that in case he fail to return back to India or appear before the trial Court within time, the said amount will be forfeited to the State.”

Present petition is disposed of in the light of the order dated 18.04.2018 and the impugned order dated 10.04.2018 passed by the trial Court is set aside. The petitioner is granted permission to travel abroad from 21.04.2018 to 15.05.2018 subject to deposit of Rs.2.00 lacs with the trial Court. Petitioner shall also furnish an undertaking that in case he failed to return back to India or appear before the trial Court within the aforesaid time, said amount of Rs.2.00 lacs shall stand forfeited to the State.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

20.04.2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No