

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

**CRM-M No.15552 of 2018
Decided on: 18.04.2018**

Nikhil Singla (Shingla)

....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 (Annexure P4) passed in FIR No.349 dated 24.06.2016 vide which the trial Court has declined permission to the petitioner to visit abroad.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent.

Counsel for the petitioner has submitted that the petitioner has been granted the concession of anticipatory bail vide order dated 22.08.2016 passed by the Sessions Judge, Panipat. It is further submitted that on an earlier occasion, the trial Court vide orders dated 27.07.2017, 22.11.2017 and 15.01.2018 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 23.04.2018 to 05.07.2018 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. The petitioner shall also furnish an undertaking that since the challan is to be presented and in case, if his presence is required, he will appear before the trial Court within a period of 07 days, from the date of passing of the order seeking his presence.

(ARVIND SINGH SANGWAN)
JUDGE

18.04.2018

yakub