

CRM-M No.16848 of 2018

Date of Decision : 15.05.2018

Gurinder Singh @ Jagwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**Present:** Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Reply filed on behalf of the complainant who has opposed the petitioner's prayer for permission to go abroad. It has been made out that the petitioner has been earlier involved in terroristic and secessionist activities. However, on behalf of the State, it is submitted on instructions from ASI Karnail Singh that at least as of now there is no knowledge of his facing any criminal proceedings on those charges.

The record shows that earlier a similar application on behalf of the petitioner was allowed by a Coordinate Bench of this Court in CRM-M No.28732 of 2016 on 19.12.2016 and he was permitted to go abroad to United Kingdom to attend to his ailing wife. Such permission was granted to him for a period of three months from the date of his departure subject to imposition of certain conditions specified in the said order (Annexure P-4).

It is a matter of record that the petitioner returned back to India within the time allowed to him although there was a deviation on his part in as much as within that period of three months he had travelled to Canada from United Kingdom and returned to United Kingdom 18 days later in the month

of February, 2017. Nevertheless, the time limit given to him was honoured. The record further shows that trial in this case has been proceeding at a very slow pace and reasons for the delay are hardly attributable to the petitioner himself, since by and large the prosecution witnesses were not present earlier, and subsequently midway during evidence an application for further investigation/re-investigation was filed which was disposed off by the Ld. Trial Court on 14.12.2017. Thereafter, on the subsequent dates (12.04.2018 and 26.04.2018), the petitioner was present but evidence was not taken up on prayer of the prosecution, and the matter was posted for evidence today. It is ascertained that the same has now been adjourned to 23.05.2018 as the Presiding Officer is on leave.

In the totality of the aforesaid circumstances, this Court is inclined to grant liberty to the petitioner to go abroad and attend to his ailing wife but considering his past conduct such liberty this time shall be of a lesser duration, since the 18 day trip to Canada within the time limit granted to him earlier would *ipso facto* not appear to be connected to his wife's treatment.

The petition is, therefore, disposed off at this stage with a direction that the petitioner shall be permitted to travel to United Kingdom alone for a period of 45 days only with effect from the 1st of June, 2018 till 15th July, 2018, which period also covers the intervening vacation of the Trial Court. All other conditions imposed upon him in the earlier order Annexure P-4 shall also be applicable.

Disposed off.

(SUDIP AHLUWALIA)
JUDGE

15.05.2018

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No