

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

**Criminal No. M-16057 of 2017 (O&M)
Date of Decision: July 26, 2018**

Sakattar Lal @ Satinder Masih @ Satinder

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kiran Kumar, Advocate
for the complainant.

SURINDER GUPTA, J.

Heard.

Learned trial Court while allowing permission to the petitioner to go abroad vide order dated 04.01.2017 has put following conditions:-

- (i) That duly appointed counsel for the accused-applicant shall appear on each and every date of hearing;
- (ii) Accused-applicant shall not dispute his identity and have no objection, if the proceedings are recorded in his absence;
- (iii) Accused/applicant will furnish a bank guarantee in the sum of Rs. 10 lakh and a surety in the same amount as the charges against him is serious;
- (iv) That accused will return after the expiry of the period of

two months from the date of furnishing bank guarantee and surety;

- (v) Accused/applicant will furnish the duly sworn affidavit that he will abide by the aforesaid conditions failing which the aforesaid bank guarantee shall be forfeited in favour of the complainant and the surety amount shall be forfeited in favour of the state as the case may be.

Learned counsel for the petitioner submits that petitioner being an old person and having no source of income is aggrieved by condition No. (iii). He is not in a position to furnish bank guarantee of ₹10 lakh.

Learned counsel appearing for the complainant submits that petitioner is a man of resources. He is selling his property in India. He has also not paid the maintenance awarded to the complainant for long time and wants to live in England. There are no chances of his coming back to India as he is a British citizen and is having a living wife there also. He further submits that the petitioner has kept four wives and is having children from three wives and is maintaining multiple identities. At this point of time, a sum of ₹4.5 lakh (approximately) is due towards the petitioner, as maintenance payment of which he wants to avoid by going abroad.

After considering the respective submissions of learned counsel for the parties, condition No. (iii) imposed by the trial Court is modified as follows:

- (i) The petitioner before leaving for United Kingdom will furnish a personal bond and surety bond of ₹10 lakh each before the trial Court;
- (ii) He will also deposit a sum of ₹5 lakh in the account of the complainant or pay the same through demand draft in her name and this amount shall be adjusted in the

outstanding maintenance amount, the surplus amount, if any, will be adjusted in future maintenance;

- (iii) On deposit of the amount and furnishing of personal bond and surety bond, he will leave India after intimating the trial Court about the date of his departure and return.

Petition is disposed of in above terms.

July 26, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***