

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

CRM-M-22218-2018

Date of Decision: 25.05.2018

Hardial Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.K.S.Chahal, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab assisted
by SI Amrik Singh.

AMOL RATTAN SINGH, J. (Oral)

The petitioner seeks permission to travel between 25.05.2018 to 03.07.2018, to Brampton, Ontario, Canada, to visit his son and his family, with the next date of hearing in the trial he is facing (in which he has been summoned on an application filed under Section 319 Cr.P.C.), being 31.07.2018.

Upon notice having been issued on 24.05.2018, learned State counsel, on instructions from SI Amrik Singh, submits that the petitioner being a Patwari having forged the revenue records in furtherance of a criminal conspiracy alleged to have been hatched by him, alongwith other accused, he should not be granted the concession, as he may abscond and may not return from abroad.

Learned counsel for the petitioner on the other hand submits that with the petitioner already having a valid visa to go to Canada and his passport also being with him, if the intention was to abscond, there would be no reason to seek permission of this Court to travel abroad, as he could have

simply gone to the airport and taken a flight out.

Though what learned State counsel is saying would otherwise not be assailable, however, I see the reasoning in what learned counsel for the petitioner has contended, and it is obvious that with a valid visa and his passport available with the petitioner, if the intention was to abscond he need not have come to this Court to seek permission to go abroad.

On further query to learned counsel, as to the address of the petitioners' son, he points to paragraph 3 of the petition where the address is given which is as follows:

“Parminder Singh, resident of 5 Allangrous Drive, Brampton,
Ontario, L 7 A 2M 4 Canada.”

His son is stated to be a resident of Canada since 2010.

That being so, upon further request of learned State counsel, it is considered appropriate that on the petitioner furnishing a surety of Rs.25 lakhs and personal bonds in the sum of Rs.2 Lakhs, before the learned CJM/Duty Magistrate, Sangrur, he may proceed abroad, between 25.05.2018 to 03.07.2018, subject naturally to him having a valid visa granted by the Canadian High Commission/Consulate with him to positively return by 04.07.2018.

It is also considered appropriate that a copy of this order be sent to the Canadian High Commission; because learned counsel for the petitioner is unable to produce a copy of the application submitted by him to the High Commission (to obtain a visa), when this Court wished to determine as to whether the petitioner had disclosed the fact that criminal proceedings are pending against him in the trial Court at Sangrur.

A copy of this order be given to learned State counsel under the signatures of the Bench Secretary, for its onward transmission by the SSP, Sangrur, to the Canadian High Commission, New Delhi/Canadian Consulate in Chandigarh.

Disposed of.

A copy of this order be also given to learned counsel for the petitioner also under the signatures of the Bench Secretary.

May 25, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO