

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Smriti
18-06-2018
I attest to the accuracy and
integrity of this document

CRM-M-23651-2018

Date of decision: 13.06.2018

Raman Sharma

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mahir Sood, Advocate, for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of order dated 23.05.2018 (Annexure P2) passed by the Sub-Divisional Judicial Magistrate, Samalkha in case FIR No.664 dated 19.10.2016 vide which the application filed by the petitioner seeking permission to travel abroad was dismissed.

Counsel for the petitioner submits that the petitioner was granted anticipatory bail by this Court vide order dated 16.11.2016. Counsel for the petitioner further submits that on an earlier occasion, the petitioner was granted permission to travel abroad vide orders dated 04.10.2016, 27.07.2017, 21.09.2017 and 14.11.2017.

Counsel for the petitioner further submits that the petitioner is a businessman and in his ordinary course of business of import and export, he has to travel abroad on regular basis to attend conference on different dates and fulfill his business commitments.

Counsel for the petitioner further submits that in pursuance to the aforesaid orders passed by the trial Court granting permission to the petitioner to travel abroad, he has neither mis-used the concession nor has exceeded the period for which he was granted permission and has returned back to India within time and every time, has surrendered the pass-port with the trial Court.

Counsel for the petitioner further submits that the petitioner has to attend conference in South Africa from 15.06.2018 to 30.06.2018 with regard to import and export related consignments. Counsel for the petitioner further submits that vide impugned order dated 23.05.2018, the trial Court has dismissed the application filed by the petitioner only on the ground that if such permission is granted, there is possibility that the petitioner/accused will not come back to India.

Counsel for the petitioner further submits that the petitioner's family is residing in India and he owns movable and immovable property in India and there is no possibility of fleeing from the process of justice as he has been facing trial since June 2016 and has never misused the concession of either bail or permission granted to travel abroad.

In reply, the learned State counsel, on instructions from SI Rup Chand, has opposed the prayer on the ground that there is possibility that the petitioner may misuse the concession, if granted.

After hearing learned counsel for the parties, I deem it appropriate to allow this petition considering the fact that on an earlier occasions when trial Court has granted permission to the petitioner to travel abroad, he has returned back to India within time given by the trial Court.

Accordingly, the present petition is allowed. Impugned order dated 23.05.2018 is set aside. The petitioner is granted permission to travel abroad from 15.06.2018 to 30.06.2018 subject to deposit of Rs.2 lakhs with the trial Court as security.

The petitioner shall also furnish an undertaking that in case, he fails to return to India or to appear before the trial Court within time, the amount of Rs.2 lakhs will be forfeited to the State.

The petitioner will also furnish an undertaking that on return back to India, the petitioner will surrender his passport before the trial Court.

Disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.06.2018

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No