

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 25384-2018
Date of decision: 15.06.2018

Inderjit Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.H.S.Brar, Advocate, for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of impugned order dated 01.06.2018 passed by the trial Court vide which the application moved by the petitioner seeking permission to go abroad was dismissed.

Counsel for the petitioner submits that the petitioner is a Canadian citizen and he is having a civil dispute with M/s Vikas Housing Building Company Ltd.Ludhiana regarding an agreement to sell dated 15.04..1997. Counsel for the petitioner further submits that in this regard two civil suits which were filed in the year 2003 and 2004 are pending before the Civil Court at Ludhiana and the present FIR No. 51 dated 24.05.2015 is also registered under Sections 406 and 120-B of IPC at Police Station Haibowal, District Ludhiana.

Counsel for the petitioner further submits that the petitioner was declared as a proclaimed offender on 24.05.2015 by the trial Court and, thereafter, the petitioner filed anticipatory bail application i.e. CRM-M-15690-2018 and vide order dated 10.05.2018, he was granted concession of anticipatory bail in which the condition was also imposed that the petitioner will not leave India without permission of the Court. The said petition is now pending for 20.08.2018. Counsel further submits that he had also filed CRM-M-2166-2017 challenging the order vide which he was declared proclaimed offender, on the

ground that when the FIR was registered, the petitioner was not in India. The said petition was allowed vide order dated 30.01.2018 (Annexure P2) and the order dated 21.11.2015 declaring the petitioner as proclaimed offender was set aside.

Counsel further submits that thereafter, the petitioner has come to India on 11.02.2018 and has filed the aforesaid petition for anticipatory bail. Counsel further submits that the wife of the petitioner has suffered an injury and has been advised rest and has relied upon Medical Certificate (Annexure P6) and in order to take care of his wife, the petitioner had moved an application before the trial Court seeking permission to go abroad.

Vide impugned order dated 01.06.2018, the application was dismissed on the ground that there is a direction by this Court in CR-2207-2018 filed by the petitioner as well as in CR-2051-2018 file by father of the petitioner Kunda Singh, in which both the petitioners had prayed for setting aside the orders passed by the Civil Court vide which they were proceeded *ex-parte* and while allowing the said revision petitions, vide order dated 17.04.2018, it was directed that the Civil Court shall provide one more effective opportunity to the petitioners/defendants (the petitioner in the present case as well) to conclude their evidence before 26.04.2018 unless the trial Court granted another opportunity subject to its satisfaction.

On 13.06.2018, the petitioner was directed to produce latest status report with regard to injury of the wife of the petitioner and photocopy of the certificate dated 14.06.2018 issued by an Hospital in Canada has been placed on record in which it is stated that the patient has suffered injury on her left knee at work which has effected her walking and the patient need some support from her husband while she is getting better.

Counsel for the petitioner has further submitted that the petitioner is ready to deposit an amount of Rs.2 lacs with the trial Court which will be deposited in the Government Treasury as Security, with an undertaking that in case, he fails to return to India within the time granted by the Court, the said amount shall be forfeited to the State. Counsel further submits that the petitioner will also furnish an undertaking before the trial Court as well as before the Civil Court that on account of the permission granted to

the petitioner to travel abroad, he will not claim any extension of time before the Civil Court as granted in pursuance to the order dated 17.04.2018 passed in CR No. 2051-2018 and it will be upon for the Civil Court to proceed further and decide the case, in accordance with law.

The learned State counsel, on instructions from ASI Gyan Singh, has opposed the prayer on the ground that the petitioner is a citizen of Canada and there is possibility that he may be flee from the process of justice and may not return back.

In reply, counsel for the petitioner submits that since the petitioner is having his property in India and he is regular visitor to India, there is no possibility that he may misuse the permission if so granted.

After hearing learned counsel for the parties, I deem it appropriate to grant permission to the petitioner to travel to Canada w.e.f. 21.06.2018 to 21.07.2018. The petitioner will return back to India on or before 21.07.2018. This is, however, subject to deposit of Rs.2 lacs with the trial Court which will be desposited in the Government Treasury under a head to be nominated by the trial Court/CJM/Duty Magistrate and with an undertaking that in case, he fails to return back on or before 21.07.2018, the said amount shall be forfeited to the State. The petitioner will also furnish an undertaking before the Civil Court that for the period, he will stay in Canada, if any adverse order is passed by the Civil Court, he will not claim any benefit as per the directions given in the order dated 17.04.2018.

Disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.06.2018
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No