

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

CRM-M-30533 of 2018.  
Decided on:-July 20, 2018.

Jaswinder Singh Litt.

.....Petitioner.

Versus

M/s Tejindera Trading Company and others

.....Respondents.

**CORAM:    *HON'BLE MR. JUSTICE HARI PAL VERMA.***

\*\*\*\*\*

Present:-     Mr. M.L. Saggar, Senior Advocate with  
                     Ms. Veenu Garg, Advocate  
                     for the petitioner.

**HARI PAL VERMA, J. (ORAL)**

Prayer in this petition filed under Section 482 Cr.PC is for setting aside the order dated 16.07.2018 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Sri Muktsar Sahib, whereby the application filed by the petitioner for permission to go abroad (America) for the period from 25.07.2018 to 26.08.2018 and to return the original passport to the applicant, was declined.

Learned senior counsel for the petitioner states that the petitioner is required to visit his daughter, who is settled in USA. Even otherwise, the matter has been compromised between the parties and accordingly, as against the agreed amount of Rs.60 lakh, the petitioner has already paid Rs.20 lakh to the respondent and next instalment of Rs.20 lakh is required to be paid on or before 20.10.2018. Thereafter, the balance amount would be paid.

At this stage, Mr. Karan Garg, Advocate has put in appearance and accepts notice on behalf of respondent No.1. Memo of appearance filed on behalf of respondent No.1 in the Court, is taken on record. He does not controvert the aforesaid facts and admits the factum of compromise between the parties. He states that he has no objection in case the petitioner goes abroad to meet his daughter, who is settled there.

I have heard learned counsel for the parties.

What might have weighed to the mind of learned Magistrate, is that in a petition i.e. CRM-M-29412 of 2017 titled as Ranjit Kaur and another Versus M/s Tejindera Trading Company and others, this Court, vide order date 22.11.2017 had directed the trial Court to adjourn the case beyond the date fixed and, therefore, once the matter was seized with this Court, the trial Court could not have passed any substantive order.

On earlier occasion also, this Court has allowed the similar prayer made by the petitioner in **CRM-M-5833 of 2018** titled as **Jaswinder Singh Litt Versus M/s Tejindera Trading Company and others** on 15.02.2018.

Accordingly, in the facts and circumstances of the case as indicated above, the impugned order dated 16.07.2018 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Sri Muktsar Sahib is set aside and the trial Court is directed to release the passport of the petitioner enabling him to go abroad for the period indicated in the application. However, the petitioner shall submit an undertaking before the trial Court that after returning from USA, he shall appear before the trial Court and submit the passport to the trial Court.

The trial Court shall impose appropriate terms and conditions, as it may warrant fit in the circumstances of the case.

The present petition is allowed in the above terms.

**July 20, 2018**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned:                      Yes

Whether Reportable:                                No