

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

**CRM-M No.33587 of 2018 (O&M)
Decided on: 24.08.2018**

Nikhil Shingla (Singla)

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.29644 of 2018

Heard.

Allowed as prayed for.

Copy of the affidavit is taken on record as Annexure P9.

CRM-M No.33587 of 2018

Prayer in this petition is for setting-aside the order dated 26.07.2018 passed by the Sub-Divisional Judicial Magistrate, Samalkha (Annexure P7) in FIR No.349 dated 24.06.2016 registered under Sections 406, 420, 506 read with Section 34 IPC (Sections 467, 468, 120-B IPC added later) at Police Station Samalkha, District Panipat.

Counsel for the petitioner has submitted that on an earlier occasion, vide order dated 18.04.2018 passed in CRM-M No.15552 of 2018, the following order has been passed by this Court:-

“Counsel for the petitioner has submitted that the

petitioner has been granted the concession of anticipatory bail vide order dated 22.08.2016 passed by the Sessions Judge, Panipat. It is further submitted that on an earlier occasion, the trial Court vide orders dated 27.07.2017, 22.11.2017 and 15.01.2018 has granted permission to the petitioner to travel abroad subject to furnishing surety bonds, however, vide impugned order dated 10.04.2018, the trial Court has declined the permission only on the premise that since the investigation is to be completed and the challan is likely to be presented, it will not be appropriate to grant permission to the accused (petitioner herein) to leave the country for visiting abroad.

Counsel for the petitioner has further argued that the petitioner is a businessman and in his ordinary course of business, he has to travel abroad. It is further submitted that the petitioner is engaged in the business of import and export and for that purpose, he has to regularly visit various countries and on an earlier occasion, when permission was granted, he has never misused the said concession and has returned back to India within time. Counsel for the petitioner has also submitted that the petitioner has his own family and property in India and there is no possibility that he may flee from the process of justice.

On the other hand, counsel for the State has opposed the submissions made by counsel for the petitioner.

After hearing the counsel for the parties, I deem it appropriate to allow this petition as even on an earlier occasion, the trial Court has granted permission to the petitioner to travel abroad and he has returned back to India within time. Accordingly, the present petition is allowed, the impugned order dated 10.04.2018 passed by the trial Court is set-aside and the petitioner is granted

permission to travel abroad from 23.04.2018 to 05.07.2018 subject to deposit of Rs.2,00,000/- with the trial Court. The petitioner shall also furnish an undertaking that in case he fail to return back to India or appear before the trial Court within time, the said amount will be forfeited to the State. The petitioner shall also furnish an undertaking that since the challan is to be presented and in case, if his presence is required, he will appear before the trial Court within a period of 07 days, from the date of passing of the order seeking his presence.”

Counsel for the petitioner has further argued that the petitioner has again filed application for seeking permission to travel abroad w.e.f. 01.08.2018 to 15.10.2018 in order to go to United Kingdom, Singapore, Kuwait, Ethiopia, Abu Dhabi, Saudi Arabia, United States of America and United States, for business purposes, before the Illaqa Magistrate, but the same has been declined.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent and have raised no serious objection to the submissions made by counsel for the petitioner.

Heard.

Since, the petitioner has not misused the concession granted by the trial Court as well as by this Court, to travel abroad on earlier occasion, this petition is allowed, the impugned order dated 26.07.2018 is set-aside and the petitioner is granted permission to travel abroad from 26.08.2018 till 15.10.2018 subject to deposit of Rs.2,00,000/- with the trial Court. The petitioner shall also furnish an

undertaking that in case he fail to return back to India or appear before the trial Court within time, the said amount will be forfeited to the State. The petitioner shall also furnish an undertaking that since the challan is to be presented and in case, if his presence is required, he will appear before the trial Court within a period of 07 days, from the date of passing of the order seeking his presence.

(ARVIND SINGH SANGWAN)
JUDGE

24.08.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No