

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

**CRM-M No. 42739 of 2018  
Date of Decision:-03.12.2018**

Amarjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present:- Mr. Pratham Sethi, Advocate  
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Iqbal Singh Mann, Advocate  
for the complainant.

**MANOJ BAJAJ J.(Oral)**

Petitioner Amarjeet Singh is accused in case FIR No.187 dated 02.11.2017, registered at Police Station Sadar, Sri Muktsar Sahib and is facing prosecution for the offence under Section 420 IPC, which is pending trial.

The FIR was registered on the basis of complaint given by complainant Karpreet Kaur, wherein the allegations have been levelled against her mother-in-law and brother-in-law (petitioner herein). The husband and the wife (complainant) both are residing in Canada. The concession of regular bail was extended to the accused vide order dated

24.5.2018 passed by this Court in CRM-M-21636 of 2018, with a direction to submit his passport before the Chief Judicial Magistrate, Sri Muktsar Sahib. The passport of petitioner stands deposited with the Court.

Learned counsel for the petitioner submits that the petitioner, by profession, is working as Chief Officer in Merchant Navy and the nature of his job requires travelling abroad. The application for permission to go abroad moved by the petitioner was rejected by the trial Court vide order dated 24.7.2018. The revisional Court, vide its order dated 29.8.2018 also refused to accept the prayer of the petitioner and affirmed the order dated 24.7.2018.

Learned State counsel has filed the reply indicating that the challan has been filed in this case and case is pending for 11.1.2019 for framing of charges.

Learned counsel appearing on behalf of complainant has opposed the prayer on the ground that the Courts below have given valid reasons for dismissal of the application. It is submitted that there is every likelihood that the petitioner may not return and trial would be delayed.

Learned counsel for the parties have been heard and this Court finds that there is merit in this petition.

Merely because a person is involved in criminal case as an accused, his right to life is not suspended, particularly when the nature of his job requires that he has to travel abroad. Denying the permission to go abroad would also amount to refrain the petitioner to earn his livelihood.

Considering the background of this case, it would be in the

interest of justice if the permission is given to the petitioner to travel abroad to go ahead with his assignment of the Chief Officer in Merchant Navy as reflected in the e-mail dated 13.9.2018, annexed with this petition as Annexure P-7.

In view of the above, the impugned orders dated 24.7.2018 and 29.8.2018 respectively, passed by the Courts below are set aside. The permission is granted to the petitioner to go abroad. However, it is clarified that the petitioner shall file an undertaking in terms of Section 317 of the Code of Criminal Procedure, by way of affidavit before the trial Court. The trial Court shall release the passport of petitioner, subject to his furnishing adequate bonds and surety bonds to its satisfaction. However, it shall be always open for the trial Court to direct the appearance of the accused (petitioner), if required.

Disposed off.

December 03, 2018  
Vijay Asija

**( MANOJ BAJAJ )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No