

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

Sr.No.271

CRM-M-48110-2018

Date of Decision:04.12.2018

Shamsher Singh Dhaliwal

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.B.B.S.Randhawa, Advocate
for the petitioner

Mr.Sidakmeet Sandhu, AAG Punjab

ARVIND SINGH SANGWAN, J. (ORAL):

Prayer in this petition is for setting aside the order dated 13.12.2017 (Annexure P4), passed by the Judicial Magistrate First Class, Batala, vide which the application of the petitioner for permission to travel abroad, was declined.

Learned counsel for the petitioner submits that the police has already submitted a cancellation report before the trial Court. Learned counsel submits that the petitioner seeks to travel abroad for a period of 20 days in the month of December 2018 and January 2019. Learned counsel for the petitioner submits that the petitioner is a practising lawyer and is not involved in any other case. Learned counsel further submits that the petitioner is ready to deposit an amount of Rs.5 lakh with the trial Court/Illaq Magistrate, as a surety, to be refunded to the petitioner when he returns back to India and in the alternative to be forfeited to the State, if the petitioner fails to return back to India.

Learned State counsel, on instructions from ASI Madan Mohan

Singh, has not disputed the fact that the police has already submitted a cancellation report, which is pending consideration before the Illaqa Magistrate.

Thus, without commenting upon the merits of the case, considering the antecedents of the petitioner and after hearing learned counsel for the parties, the present petition deserves to be allowed, for the reasons that the petitioner is not involved in any other case; he is ready to deposit a sum of Rs.5 lakhs with the trial Court/Illaqa Magistrate, to be refunded to the petitioner on his return to India and with an undertaking that in case the petitioner fails to surrender before the trial Court, the same shall be forfeited to the State and on further submitting a surety bond of one of his family member that he/she shall be liable, in case the petitioner does not surrender back before the trial Court.

In view of the above, the impugned order dated 13.12.2017 is set aside. The petitioner is directed to deposit the surety bond along with an undertaking as noticed above, up to 10.12.2018 before the trial Court and the petitioner is granted permission to travel abroad from 14.12.2018 to 06.01.2019.

(ARVIND SINGH SANGWAN)
JUDGE

04.12.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No