

**Sr. No.263
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-5011 of 2018 (O&M)

Date of Decision: 20.02.2018

Dr. Mangal Singh Sandhu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S.Rangi, Advocate,
for the petitioner.

Mr. Atinder Pal Singh Jaurkian, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of order dated 01.02.2018 (Annexure P-8) passed by the learned Special Judge, SAS Nagar, Mohali and in terms of which an application moved by the petitioner seeking permission to proceed abroad i.e. Canada for the period up to 28.04.2018 has been declined.

Petitioner concededly is an accused and facing trial in FIR No. 02 dated 06.10.2015, under Sections 420, 409, 120-B IPC and Sections 13(1) D, 13(1) E read with Section 13(2) of Prevention of Corruption Act, registered at Police Station State Crime, Phase-4, SAS Nagar. Petitioner had remained as Director Agriculture, Punjab and the allegations primarily are with regard to amassing wealth by adopting fraudulent means and possessing assets disproportionate to his known source of income.

Application was moved by the petitioner seeking permission to proceed to Canada on the pretext that his daughter

has to undergo cardiac surgery on 07.02.2018.

Perusal of the impugned order at Annexure P-8 would reveal that prayer of the petitioner has been declined on the ground that there are serious allegations of corruption and disproportionate assets against the petitioner and that daughter of the petitioner is married and residing along with her husband in Canada itself.

Notice of motion in the instant petition was issued on 06.02.2018 and on the asking of the Court learned counsel representing the State of Punjab had accepted notice.

Complete copy of the case paper book had been furnished to State counsel and who was directed to complete instructions in the matter by the adjourned date i.e. 12.02.2018.

On 12.02.2018 State counsel sought time for filing reply. Prayer was allowed and period of one week was duly granted and the matter was adjourned to today.

State counsel again seeks time for filing reply. No justification is forthcoming as to why reply has not been filed in spite of notice having been accepted on 06.02.2018.

Appended along with instant petition at Annexure P-4 is a communication from the concerned Doctor from the Department of Surgery, Cardiac Surgery, Royal Columbian Hospital, Fraser Health Authority, New Westminster, British Columbia, Canada and which clearly indicate that Manmeet i.e. daughter of the petitioner was scheduled to undergo cardiac surgery on 07.02.2018 and the Doctor has opined that it would be helpful if parents of the patient

can be present physically to assist her in the post operative period.

There would be no occasion for this Court to doubt the authenticity and veracity of the communication at Annexure P-4.

Such view is also being taken in the light of order dated 19.01.2018 passed by the learned Judge Special Court, Bathinda whereby identical prayer raised by the petitioner who is also an accused in FIR No.122 dated 02.09.2015, under Sections 420, 186 IPC and under the provisions of Prevention of Corruption Act, Insecticides Act and Fertilizer Control Order registered at Police Station Ramaan, District Bathinda has been allowed.

Having heard counsel for the parties at length, this Court is inclined to accept the prayer made by the petitioner.

The factum of the daughter of the petitioner having undergone cardiac surgery in an alien land on 07.02.2018 is a matter of record.

Parents of the patient to be present during the post operative period would certainly facilitate the recovery process.

Prayer of the petitioner to visit Canada up to 28.04.2018 would be construed as a genuine prayer and merits consideration. However, at the same time, stringent conditions are required to be imposed to ensure that even in the eventuality of the prayer of the petitioner being accepted, he rejoins the trial proceedings.

In the totality of the circumstances, prayer of the petitioner seeking permission to proceed to Canada is accepted to the extent of according permission to proceed abroad up to

28.04.2018.

Petitioner shall execute a personal bond and a surety in the sum of Rs.50 lacs each to the satisfaction of the trial Court, with an undertaking to appear immediately after the expiry of the period that he has been permitted to travel abroad i.e. after 28.04.2018.

Pursuant to the view taken by this Court, the order dated 01.02.2018 passed by the trial Court at Annexure P-8 is set aside.

Disposed of.

20.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No