

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55035-2018

Date of decision: - 24.12.2018

Nikhil Shingla (Singla)

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Lovish Mittal, Advocate
for the petitioner.

Mr. Ankul Mittal, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the challenge is made to the order dated 08.12.2018 (Annexure P-5) passed by the Sub-Divisional Judicial Magistrate, Samalkha, by which the petitioner has been declined permission to travel abroad.

Petitioner made an application on 06.12.2018 seeking permission to visit Singapore, Kuwait, Abu Dhabi, Saudi Arabia, Qatar, United States of America and Europe from 17.12.2018 to 05.04.2019.

Counsel for the petitioner states that the petitioner needs to visit the above-mentioned countries for the business purposes. The said application has been rejected by the Sub-Divisional Judicial Magistrate on 08.12.2018 on the ground that the investigation is likely to be completed and it is also likelihood that the challan will be submitted

shortly by the prosecution and for that purpose, the presence of the petitioner might be needed.

Counsel for the petitioner states that the petitioner has already been granted the permission to travel by this Court on earlier occasions when his applications were declined by the Sub-Divisional Judicial Magistrate, Samalkha in the year 2017. He has attached an order dated 18.04.2018 passed in CRM-M-15552-2018 by which this Court had granted the petitioner permission to travel abroad from 23.04.2018 to 05.07.2018, subject to furnishing of ₹2,00,000/- with the Illaqa Magistrate alongwith undertaking that in case the petitioner fails to return back to India or failing to appear before the learned Illaqa Magistrate within time, the said amount will be forfeited to the State and further also that in case the challan is to be presented and for which the presence of the petitioner is required, he will appear before the Illaqa Magistrate within a period of seven days, from the date passing of the order seeking his presence.

An identical order was again passed by this Court while deciding CRM-M-33587-2018, decided on 24.08.2018 when the petitioner wanted to go abroad from 26.08.2018 till 15.10.2018.

During the course of the hearing, counsel for the petitioner has admitted that at present he has only two tours for going abroad, which has been finalized i.e. first tour is to Saudi Arabia from 27.12.2018 till 31.12.2018, when he will return back to India.

Thereafter, again the petitioner is to go to United States of America on 07.01.2019 and he will return back on 31.01.2019.

Keeping in view the totality of the circumstances especially in view the fact that the petitioner has not violated the grant of permission by this Court earlier on two occasions, the permission is granted to him to travel abroad for the above-mentioned tours from 27.12.2018 till 31.01.2019. The said permission shall be subject to the furnishing of deposit of ₹2,00,000/- with the Illaqa Magistrate alongwith an undertaking that in case the petitioner fails to return back to India or to appear before the Illaqa Magistrate within time, the said amount will be forfeited to the State.

Petitioner shall also submit an undertaking that in case for presenting of the challan, his presence is required, he will appear before the Illaqa Magistrate within a period of seven days from the date of passing of the order seeking his presence. Further after returning on 31.01.2019, the petitioner will submit his affidavit indicating his return to the Illaqa Magistrate within a time of seven days of his return.

In view of the above, the present petition stands disposed of.

Copy of this order be given dasti under the signatures of Court Secretary attached to this Court.

December 24, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No