

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

CRM-M-9573-2019

Date of decision: 06.03.2019

Nikhil Shingla (Singla)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Arjun Singh Yadav, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for granting permission to the petitioner to travel abroad from 01.03.2019 to 30.06.2019 as well as for setting aside the order dated 25.02.2019, passed by the Sub Divisional Judicial Magistrate, Samalkha, vide which, the application of the petitioner seeking permission to travel abroad has been dismissed.

Learned counsel for the petitioner submits that on two earlier occasions, the petitioner was granted similar permission by this Court though the same was rejected by the trial Court. It is further submitted that again the petitioner has approached the trial Court for granting permission, however, the same was declined, vide impugned order dated 25.02.2019, on the ground that if the petitioner is granted permission to travel abroad, there is a possibility that he will not come back.

Learned counsel for the petitioner has relied upon the order dated 18.04.2018 passed in CRM-M-15552-2018, vide which, while allowing the similar request in the same FIR, the petitioner was granted permission to travel abroad for a period of two and a half months, subject to deposit of Rs. 2,00,000/-

Lakh with the trial Court and on furnishing of an undertaking that in case, he fails to appear before the trial Court within time, the said amount will be forfeited to the State.

A perusal of the said order shows that the petitioner was granted anticipatory bail on 22.08.2016 by the Sessions Judge, Panipat and the trial Court, vide orders dated 27.07.2017, 22.11.2017 and 15.01.2018, had granted permission to the petitioner to travel abroad, subject to furnishing surety bonds.

Learned State counsel, on instructions from SI Roop Chand, has submitted that the challan is yet to be presented as FSL report is awaited and the anticipatory bail of the co-accused is still pending in this Court.

I have heard learned counsel for the parties and considering the fact that during the period, when the petitioner is seeking to travel abroad, no substantive proceeding is going to take place, this petition is allowed and impugned order dated 25.02.2019 is set aside.

The petitioner is granted permission to travel abroad from today to 30.06.2019 subject to deposit of Rs. 2,00,000/- with the trial Court. The petitioner shall also furnish an undertaking that in case he fails 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.

March 06, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*