

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14530-2019

DATE OF DECISION:-01.04.2019

SARABJIT SINGH SHERGILL

...PETITIONER...

V.

JALANDHAR DEVELOPMENT AUTHORITY

..RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amardeep Singh Gill, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. has been made for quashing impugned order dated 11.03.2019 (P-6) of the trial court, whereby, application moved by the petitioner for permission to go abroad, for exemption from his personal appearance and to appear through pleader, was dismissed.

Learned counsel drawing attention of this Court to appointment letter (Annexure P-8) issued by NHS University Hospitals of Derby and Burton, Uttoxeter Road, Derby, United Kingdom urged that the petitioner has been given appointment for 17.04.2019, for treatment, which is direly needed.

Considering the alleged treatment of the petitioner, impugned order dated 11.03.2019 (P-6) is set aside. Petitioner is permitted to go abroad for treatment, subject to his furnishing adequate bail bonds/surety

bonds, besides, depositing ₹20.00 lakhs in cash in the name of trial court,

which shall be converted in the shape of some STDR in some nationalised bank fetching maximum rate of interest to save loss of interest to the petitioner, in case, he does not violate his undertaking of coming back to India, as and when his presence would be required by the court on the first date itself without making excuse of any kind i.e., illness, helplessness, pre-occupation, inability, some exigency etc.

This Court is conscious of the fact that above condition of directing the petitioner to deposit ₹20.00 lakhs in cash is harsh, but the same has been imposed considering the fact that earlier the petitioner evaded the process of law and remained absent for 5 years. Accordingly, trial could not be proceeded further with the trial.

Even otherwise, the said condition cannot be considered as harsh, in view of the fact that, in case, the petitioner would not violate the condition of his bail and surety bonds, in that eventuality, he would not suffer any loss, as his deposit has been ordered to be converted into STDR, to save loss of interest to her.

It is clarified that in case, of even on a single default of his non-appearance, in violation of his undertaking, the above amount of ₹20.00 lakhs shall be forfeited to the State, without affording any opportunity of hearing to the petitioner.

Disposed of.

01.04.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No