

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

**CRM-M No.15822 of 2019 (O&M)
Date of Decision: 12.12.2019**

Kuldip Singh Virk

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. G.S.Dhillon, Advocate for the petitioner.

Mr. Harpreet Singh Multani, Asstt. Advocate General, Punjab
for the respondent/State.

None for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.38977 of 2019

Application is for placing on record the copies of orders, passed by learned District Judge, Raigad Alibag (Mumbai) as Annexures P-11 and P-12 with the further prayer seeking exemption from filing certified/typed copies of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied documents are taken on record as Annexures P-11 and P-12.

Registry to tag the same at the appropriate place.

CRM No.39033 of 2019

Application is for placing on record the copy of order dated 12.02.2019, passed by the Hon'ble Bombay High Court in Writ Petition No.4097 of 2018 as Annexure C-1 with the further prayer seeking exemption from filing certified copy of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied documents are taken on record as Annexure C-1.

Registry to tag the same at the appropriate place.

MAIN CASE

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) seeking permission to leave India for a period of eight months for employment as Seafarer and to modify the condition imposed under Section 438(2)(iii) of the Cr.P.C. while granting interim bail to the petitioner, vide order dated 28.05.2018, passed in CRM-M No.23015 of 2018.

It transpires that on earlier occasion, petitioner filed CRM-M No.23015 of 2018 seeking pre-arrest bail in FIR No.47 dated 11.04.2018, under Sections 451, 379, 34, 120-B, IPC, registered at Police Station Lambi, District Sri Muktsar Sahib. The co-ordinate Bench of this Court on 28.05.2018, while issuing notice of motion, granted interim protection to the petitioner along with other co-accused and it was directed that in the event of their arrest, Investigating Officer/Arresting Officer shall release them on interim bail subject to his satisfaction, but they shall abide by the conditions envisaged under Section 438(2) Cr.P.C. Thereafter, the above order was made absolute by another co-ordinate Bench on 13.07.2018.

Now the petitioner is facing some difficulty in view of the above orders as he is not being allowed to go abroad for employment by learned trial Court and reference is made to order dated 31.01.2019, passed by learned Sub Divisional Judicial Magistrate, Malout.

In compliance of previous order, short reply by way of affidavit dated 12.12.2019 of Sh. Manmohan Singh Aulakh, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib has been filed on behalf of the respondent/State and the same is taken on record. Copy supplied to the opposite side and para 5 of the affidavit reads as under:-

“That during the investigation by S.I.T., the FIR in question was found to be false and the police prepared the cancellation report in the FIR in question on 04.12.2019.”

Since the police, after investigation, has prepared the Cancellation Report regarding the FIR No.47 dated 11.04.2018, therefore, petitioner cannot be put to unnecessary restrictions on the basis of orders dated 28.05.2018 and 13.07.2018 referred above.

In view of above, the present petition is allowed. Petitioner would be at liberty to go abroad, but he shall furnish an undertaking before the Court concerned that in case his presence is required at the time of consideration of the Cancellation Report in FIR No.47 dated 11.04.2018, he shall make himself available and shall not avoid the proceedings.

Allowed in the above terms.

December 12, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>