

CRM-M-20543-2019 (O&M)
WITH CRM-M-20542-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

CRM-M-20543-2019 (O&M)
Date of decision : 23.05.2019

SURENDER SHINGLA

.....Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-20542-2019 (O&M)
Date of decision : 23.05.2019

SURENDER SHINGLA

.....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Avneet Kaur Brar, Advocate
for the petitioner.

Mr. Deepak Gerewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

Petition under Section 482 of the Code of Criminal Procedure, 1973 for permission to travel abroad and for quashing the order dated 30.04.2019 passed by the S.D.J.M. Samalkha (Annexure P-5/Impugned order) in FIR No. 349 dated 24.06.2016, under Sections 406, 420, 506 and 34 (465, 467, 468, 120-B IPC, 1860 added later on) IPC registered at Police Station Samalkha, District Panipat, District Panipat and order dated 30.04.2019 passed by the S.D.J.M. Samalkha (Annexure P-5/Impugned order) in FIR No. 664 dated 19.10.2016, under Sections 406, 420, 506 and 34 IPC registered at Police Station Samalkha, District Panipat, District Panipat whereby the application filed by the petitioner, seeking permission to visit abroad from 06.05.2019 to 31.07.2019 has been rejected.

Learned counsel for the petitioner has submitted that on previous occasions, the petitioner had been granted permission to travel abroad. She has also replied upon the order passed in CRM-M-15550-2018 in which following order has been passed by this Court on 20.04.2018: -

“Learned counsel for the petitioner submits that in similar circumstances, in another FIR No.349 dated 24.06.2016, following order has been passed by this Court in CRM-M-15540-2018 on 18.04.2018: -

“Counsel for the petitioner has submitted that in CRM-M No.23531 of 2017, the petitioner has been granted the concession of anticipatory bail in the present FIR, vide order dated 17.07.2017 and the same is now fixed for 21.05.2018. It is further submitted that on an earlier occasion, the trial Court vide order dated 05.09.2017 and 27.11.2017 has granted permission to the petitioner to travel abroad subject to furnishing surety bonds, however, vide impugned order dated 10.04.2018, the trial Court has declined the permission only on the premise that since the investigation is to be completed and the challan is likely to be presented, it will not be appropriate to grant permission to the accused (petitioner herein) to leave the country for visiting abroad.

Counsel for the petitioner has further argued that the petitioner is a businessman and in his ordinary course of business, he has to travel abroad. It is further submitted that the petitioner is engaged in the business of import and export and for that purpose, he has to regularly visit various countries and on an earlier occasion, when permission was granted, he has never misused the said concession and has returned back to India within time. Counsel for the petitioner has also submitted that the petitioner has his own family and property in India and there is no possibility that he may flee from the process of

justice.

On the other hand, counsel for the State has opposed the submissions made by counsel for the petitioner.

After hearing the counsel for the parties, I deem it appropriate to allow this petition as even on an earlier occasion, the trial Court has granted permission to the petitioner to travel abroad and he has returned back to India within time. Accordingly, the present petition is allowed, the impugned order dated 10.04.2018 passed by the trial Court is set-aside and the petitioner is granted permission to travel abroad from 19.04.2018 to 15.05.2018 subject to deposit of Rs.2,00,000/- with the trial Court. The petitioner shall also furnish an undertaking that in case he fail to return back to India or appear before the trial Court within time, the said amount will be forfeited to the State.”

Present petition is disposed of in the light of the order dated 18.04.2018 and the impugned order dated 10.04.2018 passed by the trial Court is set aside. The petitioner is granted permission to travel abroad from 21.04.2018 to 15.05.2018 subject to deposit of Rs.2.00 lacs with the trial Court. Petitioner shall also furnish an undertaking that in case he failed to return back to India or appear before the trial Court within the aforesaid time, said amount of Rs.2.00 lacs shall stand forfeited to the State.

Disposed of, accordingly.”

Learned counsel for the petitioner further submit that the petitioner wants to travel abroad to visit South Africa, Kuwait, Saudi Arabia, Europe from 06.05.2019 to 31.07.2019 in connection with his business and he will return back within a time granted by this Court.

Learned State counsel on instructions from SI-Roop Chand has not disputed the fact that on previous occasions the petitioner was granted

permission to travel abroad by this Court as well as by the trial Court and after availing the said permission, he has returned back and is facing the trail.

In view of the same both these petitions are disposed of and the order dated 30.04.2019 passed by the trial Court declining the permission of the petitioner to travel abroad is set aside. The petitioner is granted permission to travel abroad from 06.05.2019 to 31.07.2019 subject to depositing of Rs.2.00 lacs with the trial Court. Petitioner shall also furnish an undertaking that in case he failed to return back to India or appear before the trial Court within the aforesaid time, said amount of Rs.2.00 lacs shall stand forfeited to the State.

It is also clarified that before leaving India, the petitioner shall inform the Investigating Officer/SHO of the concerned Police Station concerned and submit his itinerary along with boarding details and the details of the places where he is travelling along with the details of his stay. He will also furnish an undertaking that on his arrival back to India he will furnish the information to the concerned Investigating Officer/SHO of the concerned Police Station.

The petition(s) stands disposed of.

A photocopy of this order be placed on the files of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2019

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No