

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-47372 of 2018

Date of Decision: 07.01.2019

Gurmeet Singh & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 20.07.2018 (Annexure P-8) whereby the application filed by the petitioner, seeking permission to go abroad, has been declined in case/FIR no.75 dated 08.07.2010 under Section 306, 498A, 406 and 506 IPC registered at Police Station Bholath, District Kapurthala.

The aforesaid FIR was registered at the behest of Joginder Kaur, mother of the deceased Rupinderjit Kaur. The marriage of Rupinderjit Kaur was solemnized with Harjinder Singh son of Mukhtiar Singh, resident of Village Begowal in the year 1998 and out of this wedlock, one daughter Kajal was born. The petitioner no.2 is married

sister-in-law of deceased Rupinderjit Kaur whereas petitioner no.1 is husband of petitioner no.2.

Learned counsel for the petitioners has argued that the aforesaid FIR was registered after about 12 years of the marriage of the deceased. The deceased was living separately since the year 2004 and has died on account of acute renal failure and septicemia. He has referred to order dated 22.09.2010 passed by this Court in CRM-M-22033-2010 *Gurmit Singh & Ors. Vs. State of Punjab*, whereby while considering the case of the petitioner for anticipatory bail, the aforesaid fact of cause of death of the deceased was taken note of. He further submits that the daughter of the petitioners is living in USA and the petitioners are required to visit her. Even otherwise, the matter has already been investigated by the police and cancellation report has also been prepared.

Learned State counsel, on instructions from ASI Baljinder Singh, does not dispute the fact that the police has prepared the cancellation report and has filed the same before the trial Court on 04.09.2017, however, the same was not accepted. Rather, the accused were summoned for commission of offence under Section 498A IPC.

I have heard learned counsel for the parties.

In view of the averments made in this petition and the stand taken by the State, this Court finds that the petitioners deserve to be permitted to go abroad, as an interim relief, however, subject to certain conditions.

Accordingly, the present petition is allowed, the impugned order dated 20.07.2018 (Annexure P-8) is set aside and the petitioners are

permitted to go abroad (USA) for a period of two months only, however, subject to the following conditions:-

1. That that petitioners shall not visit any other country except USA without the permission of the Court;
2. That the petitioners shall not seek extension of their stay abroad on any ground whatsoever, except for medical emergency;
3. That the petitioners shall not indulge in any anti-social and anti-national activities;
4. That on return, the petitioners shall re-submit their passports within one week from the date of their return from abroad;
5. That the petitioners shall place on record photocopies of their passports duly attested under their signatures after getting the same renewed;
6. That the petitioners shall furnish personal bonds in the total sum of Rs.10,00,000/- (Rupees Ten lacs) with undertaking to abide by the aforesaid terms and conditions along with submission of bank guarantees in that amount.

The petitioners are permitted to get their passports renewed enabling them to go abroad. However, after their return to India, they shall surrender their passports before the trial Court.

January 07, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`