

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

CRM-M-49099 of 2017(O&M)

Date of Decision:18.03.2019

Vikram Seth

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Pathak, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed for setting aside the impugned order dated 21.11.2017 (**P-9**), whereby the application of the petitioner to visit abroad w.e.f. 23.11.2017 to 12.12.2017 has been dismissed by learned Judicial Magistrate 1st Class, Amritsar while observing that this is a case under Sections 420 & 120-B, IPC.

On 09.01.2019, this Court has passed the following order:

Present petition has been filed for setting aside the impugned order dated 21.11.2017 (**P-9**), whereby the application of the petitioner to visit abroad w.e.f. 23.11.2017 to 12.12.2017 has been dismissed by learned Judicial Magistrate 1st Class, Amritsar while observing that this is a case under Sections 420 & 120-B, IPC.

It has been pointed out by learned Senior Counsel for the petitioner that on earlier occasion, this Court, vide order dated 01.06.2017, passed in CRM-M-8910-2017, permitted the petitioner to visit abroad w.e.f. 02.06.2017 to 20.06.2017 subject to certain terms and conditions and he did avail the benefit of the same and thereafter, came back to India. Therefore, the contention is that rejection of his request by learned trial Court is

absolutely unsustainable.

No doubt, *prima facie*, the contention of learned Senior Counsel seems to be justified, but the fact remains that the relevant period i.e. 23.11.2017 to 12.12.2017, for which, the petitioner wanted to travel abroad has already lapsed.

Faced with the situation, learned Senior Counsel further contends that on account of some business engagements, the petitioner still wants to visit abroad.

If that is the position, he would be at liberty to move an appropriate application before learned trial Court and the same shall be considered in accordance with law and particularly, keeping in view the order dated 01.06.2017, passed by this Court referred above.

Adjourned to **28.01.2019** for further consideration.

It is stated by learned counsel for the petitioner that in pursuance of the order dated 09.01.2019, the petitioner moved an application before learned trial Court and the same has been allowed and the petitioner was permitted to visit USA.

In view of the above, no further directions are required to be issued in the matter and the present petition is disposed off as such.

However, it is clarified that in case the petitioner again wishes to visit abroad, he will be at liberty to move an appropriate application before learned trial Court and the same shall be considered and decided according to law.

[MAHABIR SINGH SINDHU]
JUDGE

March 18, 2019
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Whether speaking/reasoned
Whether reportable?

yes/no
yes/no