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

**CRM-M No.24724 of 2019
Date of Decision: 11.06.2019**

Bhupinder Singh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P.S. Hundal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab assisted by
ASI Anil Kumar.

AVNEESH JHINGAN, J (Oral):

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking permission to go to United States of America (U.S.A.) for a period of two months.

The petitioner is retiree from Punjab State Power Corporation Limited. He has settled in U.S.A. and is a Green Card holder. He had come to India in 2013. FIR No.197 of 2013, dated 14.11.2013 was registered against him under Sections 308, 323, 341, 427 and 34 of the Indian Penal Code at Police Station Dasuya. FIR was registered by Manjit Singh, nephew of the petitioner. During the trial, the petitioner applied thrice for permission to go to U.S.A., the same was accepted and on all the three occasions, he came back well before the time prescribed.

The present petition has been filed as his overstay in

India would result in cancellation of his Green Card. Learned counsel for the petitioner states that in case petitioner is not granted permission, the time period of six months would lapse on 14.06.2019 and his green card would be cancelled.

Learned State counsel argues that trial is at the fag end, there are 15 co-accused and in case petitioner does not come back, the trial would be delayed.

The learned State counsel is not in a position to dispute the fact that on earlier three occasions, the petitioner had honoured the time limit prescribed and came back well within time prescribed. However, still to safeguard his return in time, he is granted permission to go to U.S.A. for a period of two months, from the date of departure, subject to furnishing security of ₹10,00,000/- either in cash or by way of FDR of some Nationalized Bank, before the trial Court, in case the petitioner fails to return during the prescribed time, the amount shall be forfeited.

The petitioner is granted exemption from personal appearance for the above said period in case of FIR No.197 of 2013.

The petition is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

June 11, 2019
pankaj baweja

1. Whether speaking/ reasoned	:	Yes/ No
2. Whether reportable	:	Yes/ No