

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

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CRM-M-26131-2019

Date of Decision: June 13, 2019

Achhru Ram Sharma and another

.....Petitioner(s)

versus

Shiv Kumar Goyal

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Swati Verma, Advocate for the petitioners.

None for the respondent.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for seeking quashing of impugned order dated 28.05.2019 (Annexures P-5 & P-6), passed by the learned Sub-Divisional Judicial Magistrate, Jagraon, in Criminal Case No.54 dated 20.07.2018, titled as **Shiv Kumar Goyal Vs. Vijay Kumar Goyal and others**, filed under Sections 420, 465, 467, 468, 471, 506 and 120-B IPC, pending for 03.08.2019, vide which applications Annexures P-2 and P-3 of the petitioners, to go to China from 20.06.2019 to 30.06.2019 have been dismissed.

It is submitted that a Co-ordinate Bench of this Court vide order dated 03.05.2019 passed in CRM-M-No.18236-2019 titled as **Vijay Kumar Goyal and others Vs. State of Punjab and another**, has stayed the proceedings before the trial Court.

The prayer of the applicant to go to China was declined vide order dated 28.05.2019 passed by Sub-Divisional Judicial Magistrate, Jagraon. The

relevant portion of which is as under:-

“I have heard both the counsel for the parties and have gone through the contents of the application very carefully and minutely.

Perusal of application transpires that the proceedings in the complaint has been stayed by Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 03.05.2019. As the proceedings in the complaint has been stayed by Hon'ble Punjab and Haryana High Court, Chandigarh, the application in hand is also the part of that complaint and in the given situation, this court is of the opinion that even it cannot proceed with the said application, due to the stay of proceedings by the Hon'ble Punjab and Haryana High Court, Chandigarh. So, the application in hand is not maintainable before this Court and the same is hereby dismissed. Papers be attached with the main file.”

In view of the above, the impugned order dated 28.05.2019 is set aside and prayer of the petitioners are allowed to visit China from 20.06.2019 to 30.06.2019 on their furnishing undertaking to the satisfaction of the learned trial/Duty Magistrate for their returns on or before 01.07.2019

The petitioners are also directed to furnish Bank Guarantee in the sum of Rs.5 lacs before the trial/duty Magistrate before leaving the country.

The petition stands allowed.

Photocopy of this order be given to learned counsel for the petitioner under the signature of the Bench Secretary.

June 13, 2019
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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No