

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

**CRM-M No.26394 of 2019**

**DATE OF DECISION : 27<sup>th</sup> JUNE, 2019**

**Rajat Miglani**

**.... Petitioner**

**Versus**

**State of Punjab & another**

**.... Respondents**

**BEFORE : HON'BLE MR. JUSTICE ARUN MONGA**

\* \* \* \*

Present :     Mr. Sunil Chadha, Senior Advocate with  
                    Mr. Saurav Kanojia, Advocate for the petitioner.

Mr. Lovinder Sofat, Assistant Advocate General, Punjab.

\* \* \* \*

**ARUN MONGA, J. (Oral)**

Learned senior counsel for the petitioner submits that the present petition has been instituted in view of an order dated 31.05.2019 (Annexure P-7) passed by the learned Additional Sessions Judge, Kapurthala (Duty) in a pending trial on the private complaint instituted by respondent No.2/complainant under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submits that the petitioner has also challenged the order of trial court framing charges against the petitioner by way of Criminal Revision No.505 of 2019, which is slated for hearing on 11.09.2019. He submits that this court has granted an interim order in favour of the petitioner in the aforesaid criminal revision, whereby further proceedings qua the petitioner have been stayed before the trial court. He further submits that vide impugned order dated 31.05.2019 the learned Trial Court has misconstrued the stay granted in favour of the petitioner to non-suit him to seek permission from the trial court to go abroad during the pendency of the

trial proceedings. For ready reference, the interim stay granted in favour of the petitioner vide order dated 01.03.2019, is reproduced as follows:

*“Learned Senior counsel refers to the paragraph 8 of the complaint wherein the alleged utterances constituting the offence punishable under Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attributed to Puneet Miglani alone. It is further pointed out that previously the petition was filed to challenge the complaint as well as the summoning order under Section 482 Cr.P.C and the same did not find any favour on the ground that it involves disputed facts. It is further contended by learned Senior counsel that dismissal of the said petition has been taken adversely by the trial Court to the conduct of accused and has proceeded to frame the charges through impugned order dated 05.02.2019 in a mechanical manner without ascertaining the complicity of the petitioners in alleged crime.*

*Notice of motion for 06.05.2019.*

*In the meantime, proceedings before the trial Court qua petitioners shall remain stayed.”*

Having gone through the contents of the above order, I am of the view that the same does not, in any manner, preclude the trial court to entertain the application of the petitioner seeking permission to go abroad.

In the premise the writ petition is disposed of with observation that the trial court is at liberty to entertain the application (Annexure P-6) of the petitioner seeking permission to go abroad, in accordance with law within a period of two weeks and pass fresh orders without being influenced by the interim stay granted in favour of the

petitioner whereby the trial court proceedings qua him have been stayed by this court.

27<sup>TH</sup> JUNE, 2019  
'raj'

(ARUN MONGA)  
JUDGE

|                                   |            |           |
|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |