

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26409 of 2019

Date of Decision: 26.06.2019

Anil Kumar Seth

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Anil Mehta, Advocate for the petitioner.
Ms. Anu Pal, DAG, Punjab.

HARINDER SINGH SIDHU, J

By way of filing this petition under Section 482 Cr.P.C, the petitioner, who is accused in case FIR No.113 dated 17.4.2019 under Sections 323,498-A,341,506,34 IPC, registered at P.S Zirakpur, District SAS Nagar lodged by Renuka Panicker, seeks permission to go abroad i.e Canada.

The son of the petitioner, who is working as director Accounts in ABP news, was earlier married to Neha Budhiraja but that marriage ended in divorce. Thereafter son of the petitioner was married to the complainant in October 2015 and out of said wedlock, one girl namely Kavya was born. The complainant moved out of the matrimonial home along with minor daughter and is presently residing at Pune.

The allegations in the FIR are regarding demand of dowry to the extent of Rs.10 lacs by the petitioner. The petitioner and his son have been granted the concession of anticipatory bail vide order dated 28.5.2019 passed by this Court.

It is not disputed that the parties have been asked to appear before the Mediation and Conciliation Centre of this Court on 04.07.2019 to attempt a resolution of their matrimonial disputes.

Learned counsel for the petitioner states that younger son and daughter in law of the petitioner are in Canada. Daughter-in-law of the petitioner is expecting her child and the expected date of delivery is 28.7.2019. There is no one else in the family to take care of his daughter-in-law. The petitioner along with his wife had already booked tickets to visit Canada much before the FIR was filed. They are scheduled to travel to Canada on 30.6.2019 and will return back on 10.9.2019. It is stated that the petitioner has immovable properties in India including Flat No.203, Tower B-8, Nirmal Chaya Towers, VIP Road, Zirakpur, District SAS Nagar. Learned counsel for the petitioner undertakes that the petitioner shall return back to India on or before 15.9.2019 and appear before the trial Court as and when directed.

Considering the facts and circumstances and that the allegations against the petitioner are in relation to the matrimonial dispute which has been referred to mediation, the petition is allowed. The petitioner is permitted to travel to Canada as per the schedule afore mentioned. He shall return to India by 15.9.2019. He shall furnish an undertaking before the trial Court to the effect. He shall also furnish surety bonds to the satisfaction of the trial Court. Additionally, he shall also submit the original papers of ownership of his Flat afore mentioned and also the addresses where he would be staying and his contact numbers.

June 26, 2019
manoj

(Harinder Singh Sidhu)
Judge