

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

CRM-M-33150-2019
Date of decision: 19.08.2019

Nikhil Shingla (Singla)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Avneet Kaur Brar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 31.07.2019 (Annexure P-5) passed by the Sub Divisional Judicial Magistrate, Samalkha in case FIR No.349 dated 24.06.2016 registered under Sections 406, 420, 506, 34 IPC (Sections 465, 467, 468, 120-B IPC added later) at Police Station Samalkha, District Panipat, vide which application filed by the petitioner seeking permission to visit China, Singapore, Kuwait, Abu Dhabi, Saudi Arabia, USA and Europe from 08.08.2019 to 30.11.2019 has been rejected on the ground that since there is likelihood of presentation of challan shortly, such permission cannot be granted.

Learned counsel for the petitioner relies upon order dated 18.04.2018, passed in CRM-M-15552-2018, which reads as under:

“Counsel for the petitioner has submitted that the petitioner has been granted the concession of anticipatory bail vide order dated 22.08.2016 passed by the Sessions Judge, Panipat. It is further submitted that on an earlier

occasion, the trial Court vide orders dated 27.07.2017, 22.11.2017 and 15.01.2018 has granted permission to the petitioner to travel abroad subject to furnishing surety bonds, however, vide impugned order dated 10.04.2018, the trial Court has declined the permission only on the premise that since the investigation is to be completed and the challan is likely to be presented, it will not be appropriate to grant permission to the accused (petitioner herein) to leave the country for visiting abroad.

Counsel for the petitioner has further argued that the petitioner is a businessman and in his ordinary course of business, he has to travel abroad. It is further submitted that the petitioner is engaged in the business of import and export and for that purpose, he has to regularly visit various countries and on an earlier occasion, when permission was granted, he has never misused the said concession and has returned back to India within time. Counsel for the petitioner has also submitted that the petitioner has his own family and property in India and there is no possibility that he may flee from the process of justice.

On the other hand, counsel for the State has opposed the submissions made by counsel for the petitioner.

After hearing the counsel for the parties, I deem it appropriate to allow this petition as even on an earlier occasion, the trial Court has granted permission to the petitioner to travel abroad and he has returned back to India within time. Accordingly, the present petition is allowed, the impugned order dated 10.04.2018 passed by the trial Court is set-aside and the petitioner is granted permission to travel abroad from 23.04.2018 to 05.07.2018 subject to deposit of Rs.2,00,000/- with the trial Court. The petitioner shall also furnish an

undertaking that in case he fail to return back to India or appear before the trial Court within time, the said amount will be forfeited to the State. The petitioner shall also furnish an undertaking that since the challan is to be presented and in case, if his presence is required, he will appear before the trial Court within a period of 07 days, from the date of passing of the order seeking his presence.”

Learned State counsel, on instructions from SI Roop Chand, submits that on number of previous occasions, the petitioner has been granted permission to travel abroad either by the trial Court or by this Court and he has returned back within the time stipulated and has never misused the concession of such permission granted to him.

In view of the above, this petition is allowed and impugned order dated 31.07.2019 (Annexure P-5) passed by the Sub Divisional Judicial Magistrate, Samalkha is hereby set aside.

Accordingly, the petitioner is granted permission to visit China, Singapore, Kuwait, Abu Dhabi, Saudi Arabia, USA and Europe from 21.08.2019 to 30.11.2019, subject to depositing of Rs.2.00 lacs with the trial Court.

Petitioner shall also furnish an undertaking that in case he fails to return back to India or appear before the trial Court after the aforesaid time, the said amount of Rs.2.00 lacs shall stand forfeited to the State.

It is also clarified that before leaving India, the petitioner shall inform the Investigating Officer/SHO of the concerned Police Station concerned and submit his itinerary along with boarding details and the details of the places where he is travelling along with the details of his stay.

He will also furnish an undertaking that on his arrival back to India he will furnish the information to the concerned Investigating Officer/SHO of the concerned Police Station.

19.08.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No