

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

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**CRM-M-39874-2019(O&M)
Date of Order:14.,10.2019**

MALKIAT SINGH @ MITA

..Petitioner

Versus

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Giri, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab
Mr. R.S.Bajaj, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

Through present petition, filed under Section 482 of the Code of Criminal Procedure, prayer has been made to set aside order dated 11.09.2019, refusing permission to go back to UK for medical treatment.

It has been pleaded by the petitioner, who after trial, was acquitted by the learned Magistrate against which an appeal is pending, that he is a British Citizen, about 60 years old, having his family in UK. He wants to go to England for his medical treatment.

Learned first appellate Court dismissed the application on the ground that there is every likelihood of the petitioner that he will abscond the process of law. The observations made by learned first appellate Court is not supported by any material available on the record. It is undisputed that the petitioner is a British Citizen and as on date he has been acquitted. Of course, appeal against acquittal is pending, decision whereof is likely to take time.

Keeping in view the aforesaid facts, this Court is of the considered opinion that the petitioner should be permitted to visit UK

after furnishing an undertaking as also heavy surety to the satisfaction of the learned first appellate court. The petitioner shall be liable to give an undertaking that the appeal can be argued in his absence by his counsel and he shall have no objection. Petitioner would also be required to furnish an undertaking by way of an affidavit that he shall return to face the prosecution within 3 months from today positively.

In view of the conditional order, the order under challenge is set aside.

Petition allowed.

October 14, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No