

CRM-M-42102-2019

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

**CRM-M-42102-2019
Date of decision: 29.10.2019**

Raman Sharma

...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 for granting permission to the petitioner to travel abroad and to set aside the order dated 18.09.2019 passed by the Sub Divisional Judicial Magistrate, Samalkha, whereby the application of the petitioner seeking permission to go abroad has been dismissed.

Learned counsel for the petitioner submits that the petitioner is a businessman and during the course of his business, he has to frequently travel abroad. He filed an application before the trial Court for granting permission to travel Europe and Singapore from 10.10.2019 to 15.01.2020, however, vide order dated 18.09.2019, the same has been declined.

Learned counsel for the petitioner relies upon an earlier order passed by this Court on 13.06.2018 in CRM-M-23651-2018, wherein the petitioner was granted permission to travel abroad w.e.f. 15.06.2018 to 30.06.2018. The operative part of the order reads as under:-

“Counsel for the petitioner submits that the

petitioner was granted anticipatory bail by this Court vide order dated 16.11.2016.

Counsel for the petitioner further submits that on an earlier occasion, the petitioner was granted permission to travel abroad vide orders dated 04.10.2016, 27.07.2017, 21.09.2017 and 14.11.2017.

Counsel for the petitioner further submits that the petitioner is a businessman and in his ordinary course of business of import and export, he has to travel abroad on regular basis to attend conference on different dates and fulfill his business commitments.

Counsel for the petitioner further submits that in pursuance to the aforesaid orders passed by the trial Court granting permission to the petitioner to travel abroad, he has neither mis-used the concession nor has exceeded the period for which he was granted permission and has returned back to India within time and every time, has surrendered the pass-port with the trial Court.

Counsel for the petitioner further submits that the petitioner has to attend conference in South Africa from 15.06.2018 to 30.06.2018 with regard to import and export related consignments. Counsel for the petitioner further submits that vide impugned order dated 23.05.2018, the trial Court has dismissed the application filed by the petitioner only on the ground that if such permission is granted, there is possibility that the petitioner/accused will not come back to India.

Counsel for the petitioner further submits that the petitioner's family is residing in India and he owns movable and immovable property in India and there is no possibility of fleeing from the process of justice as he has been facing trial since June 2016 and has never misused the concession of either bail or permission granted to travel abroad.

In reply, the learned State counsel, on instructions from SI Rup Chand, has opposed the prayer on the ground that there is possibility that the petitioner may misuse the concession, if granted.

After hearing learned counsel for the parties, I deem it appropriate to allow this petition considering the fact that on an earlier occasions when trial Court has granted permission to the petitioner to travel abroad, he has returned back to India within time given by the trial Court.

Accordingly, the present petition is allowed. Impugned order dated 23.05.2018 is set aside. The petitioner is granted permission to travel abroad from 15.06.2018 to 30.06.2018 subject to deposit of Rs.2 lakhs with the trial Court as security.

The petitioner shall also furnish an undertaking that in case, he fails to return to India or to appear before the trial Court within time, the amount of Rs.2 lakhs will be forfeited to the State.

The petitioner will also furnish an undertaking that on return back to India, the petitioner will surrender his passport before the trial Court.

Disposed of.”

Learned counsel for the petitioner further submits that in pursuance of the aforesaid order, the petitioner had travel abroad and returned back and has not violated any of the terms and conditions of the said order.

Learned counsel for the petitioner has submitted that on an earlier occasion, co-accused Surender Singla was also granted similar permission by this Court and even he has not violated the permission.

Learned State counsel on instructions from SI Roop Chand

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submits that the case is still at the investigation stage and the challan has not been presented though the FIR pertains to the year 2016.

I have heard learned counsel for the parties.

Considering the fact that the petitioner was earlier granted permission on number of occasions as noticed in the aforesaid order dated 13.06.2018, this petition is allowed and impugned order dated 18.09.2019 is hereby set aside.

The petitioner is granted permission to travel abroad till 15.01.2020, subject to deposit of Rs.2 Lakh with the trial Court/Illaqua Magistrate as security.

The passport of the petitioner be released on furnishing an undertaking that in case he fails to return to India to appear before the trial Court within the time granted, the aforesaid amount of Rs.2 Lakhs shall stand forfeited to the State. The petitioner will also furnish an undertaking that on return to India, he will again surrender his passport before the trial Court/Illaqua Magistrate.

The petitioner, along with aforesaid undertaking, will also give the complete details of his itinerary as well as mobile number which he will be using while travelling abroad to the Investigating Officer and will appear before the trial Court as and when he is required for the purpose of filing the report under Section 173 Cr.P.C.

Disposed of.

29.10.2019

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**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*