

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

CRM-M No.1086 of 2019

Date of Order: 25.1.2019

Jai Karan Walia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipin Ghai, Sr. Advocate with
Mr. Deepanshu, Advocate for the petitioner.

Mr. N.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in this petition is for granting permission to the petitioner to visit Dubai for three months in FIR No.12 dated 30.6.2017 under Sections 409,420,380,506,120-B IPC, P.S NRI District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is on bail and is facing trial and he has moved application before the learned trial Court for granting permission to go abroad for a period of three months as the petitioner is doing business there and he will return back within three months or the time granted by the Court.

The trial Court vide order dated 06.12.2018 dismissed the application on the premise that the challan has not been presented against him which shows that the investigation is still pending and while granting the anticipatory bail a condition has been laid down that the petitioner will not leave India without the permission of the Court. It is also observed in the order that a similar application was moved by the mother of the petitioner seeking direction to go abroad and in that application, it was mentioned that her son i.e present petitioner is to shift his residence in Dubai and therefore there is possibility of his not returning back to India

and face the proceedings.

Learned senior counsel for the petitioner has argued that the petitioner is doing his business in Dubai and he has to travel abroad for a period of three months and is ready to give an undertaking/abide by the terms laid down by this Court.

Learned State counsel has however submitted that in case the petitioner is granted permission, there is possibility that petitioner may not come back to India.

After hearing learned counsel for the parties, I deem it appropriate to grant the permission to the petitioner to visit abroad for three months i.e upto 30.4.2019 subject to the following terms and conditions:

- a) *The petitioner shall deposit an amount of Rs.5 lacs in cash in the government treasury/under a head to be nominated by the trial Court/Chief Judicial Magistrate, NRI Court, Jalandhar with an undertaking that if the petitioner fails to return back on or before 30.4.2019, the said amount shall stand forfeited in favour of the State;*
- b) *The petitioner shall also furnish an additional surety of one of his relatives to a value of equal amount that he shall be responsible that the petitioner will return back to India and face the trial;*
- c) *The petitioner before leaving the country and after coming back shall inform the SHO, Police Station NRI District Jalandhar about his departure and arrival in India.*

Ordered accordingly.

In view of aforesaid, present petition stands disposed of.

January 25, 2019
manoj

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No