

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.114

CRM-M-49933 OF 2019
Dated of Decision: 07.12.2019

Nikhil Shingla (Singla)

....Petitioner

VS

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Ms. Avneet K. Brar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The prayer in the present petition is for granting permission to travel abroad and to quash the order dated 15.11.2019 passed in FIR No.349 dated 24.06.2016, vide which the permission to visit China, USA, Singapore, Kuwait, Europe, Abu Dhabi and Saudi Arabia w.e.f. 01.12.2019 to 31.03.2020, was declined.

Learned counsel for the petitioner has argued that even on the previous occasions, the petitioner has filed similar application for granting permission, however, when the trial Court dismissed the same, the petitioner filed CRM-M15552 of 2018 in which, permission was granted on 18th April 2018.

Learned counsel further submits that again similar permission was granted on 24th August 2018 in CRM-M-33587 of 2018 and vide order dated 24th December 2018 in CRM-M-55035 of 2018.

Learned counsel for the petitioner has submitted that everytime when an application is moved before the trial Court, giving the complete details of the countries where the petitioner intends to visit, the

date of travel along with intinerary, the petitioner has returned back and despite that the trial Court is declining the permission on one pretext or the other.

The learned State Counsel has not disputed the factual position that on previous occasions, when the permission was declined by the trial Court, the petitioners filed five (5) different petitions (Annexure P-13 to P-17), in which he was granted permission to travel abroad in connection with his business and has returned back within the time granted by this Court.

After hearing learned counsel for the parties, I deem it appropriate to direct the petitioner to deposit a sum of Rs.25,00,000/- (Rupees twenty five lakhs) with the trial Court, as security, which will be kept in the Government Treasury and as and when the petitioner moves the application for travelling abroad by giving the details and undertaking along with the itinerary, his mobile number, which he will be using while travelling abroad, the permission be granted by the trial Court/the Illaqa Magistrate, except in cases where his personal appearance is required as the petitioner will furnish an undertaking that even at the stage when the case is fixed for prosecution evidence, he will be represented by his counsel subject to following conditions:-

- (i) they will be represented by a counsel;
- (ii) they will not delay/stall the proceedings of the trial Court;
- (iii) they will not dispute their identity as accused;
- (iv) they will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose;
- (i) the trial Court will record the evidence and learned

counsel for the petitioners will cross-examine the witnesses without raising any objection that the petitioners are not present and such evidence will termed as legal evidence.

- (ii) In case learned counsel for the petitioners fails to cooperate with the proceedings in the trial Court, it will be open for the trial Court to recommend for recalling of the present order.
- (iii) Immediately prior to the departure, the applicants-petitioners shall intimate in writing to the concerned Police Station detailing the itinerary of their visit to abroad, including flight number and address where they would reside in abroad as well as contact number on which, they could be contacted in abroad;
- (iv) they shall deposit a sum of Rs.25,00,000/- with the Treasury under a Head to be nominated by the Illaqa Magistrate.
- (v) On their return to India, they would again intimate to the concerned Police Station and will surrender their Passports before the trial Court and on furnishing such undertaking before the trial Court, the Passport of the applicants/petitioners will be released.

Accordingly, this petition is disposed of.

The petitioner is granted permanent permission to travel abroad during pendency of the trial by moving an application before trial Court, giving the dates of travel, subject to deposit a sum of Rs.25,00,000/- (Rupees twenty five lakhs) with the Treasury under a Head to be nominated by the Illaqa Magistrate. 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 in case, if his presence is required, he will appear before the trial Court within a period of 7 days, from the date of

passing of the order seeking his presence.

December 07, 2019

Himanshu

(Arvind Singh Sangwan)

Judge

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No