

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52061-2019 (O&M)

Date of decision: 19.12.2019

Surinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 03.10.2019 (Annexure P-9), vide which the Additional Sessions Judge has declined the permission to travel abroad and release passport of the petitioner.

Learned counsel for the petitioner has relied upon the order dated 30.04.2019, which reads as under: -

“...Brief facts of the case are that the petitioner was convicted by the trial Court in complaint No.COMI/91/2006, vide judgment of conviction dated 05.03.2019 and vide order of sentence of even date, he was directed to undergo R.I. for a period of 04 years under Sections 467, 420, 465, 468, 471 IPC along with a total fine of Rs.24,000/-. The petitioner preferred an appeal, which is pending before the lower appellate Court and his sentence has

been suspended. The petitioner has also moved an application before the lower appellate Court seeking permission to go abroad i.e. England till the next date of hearing i.e. 03.07.2019 and also for releasing his passport to enable him to travel abroad. This application was dismissed vide impugned order dated 08.04.2019 and the present petition has been filed challenging the aforesaid order and seeking permission to travel abroad.

Learned counsel for the petitioner submits that the petitioner is a permanent resident of U.K. and is residing there for the last about 50 years. He is aged about 65 years and is suffering from multiple diseases and for his regular medical followup, the petitioner has to attend King College Gays Hospital at U.K and he has already obtained appointment. It is further submitted that next date before the lower appellate Court is 03.07.2019 and permission may be granted to the petitioner to go abroad till 03.09.2019 and he will return back to India and is ready to comply with any terms and conditions, which this Court may impose.

Learned State counsel has however opposed the prayer on the ground that since the petitioner is already stands convicted, there is every possibility that he may not return back to India and abscond from the process of law. It is submitted that after filing of the complaint, the petitioner, at one point of time, was declared a proclaimed offender and he has surrendered only after three years.

In reply, learned counsel for the petitioner has submitted

that the FIR registered against the petitioner under Section 174-A IPC is challenged before this Court and vide order dated 01.04.2019, proceedings before the trial Court have been stayed. It is further submitted that since the petitioner is permanent resident of U.K. and has to protect his property, he has been involved in other cases and in one FIR No.176, he already stands acquitted vide judgment dated 08.12.2003 passed by the trial Court.

After hearing learned counsel for the parties, considering the fact that the petitioner is citizen of U.K. and is suffering from multiple diseases and has to undergo his medical checkup at U.K., this petition is allowed and the impugned order dated 08.04.2019 (Annexure P-8) passed by the lower appellate Court is set aside and permission to travel abroad is granted to the petitioner on the following terms and conditions:

- (i) he will appear before the lower appellate Court as and when required by the Court and any other condition which the lower appellate Court Court may impose;*
- (ii) he will deposit Rs.4.00 lacs in the Govt. Treasury and will furnish an undertaking that if the petitioner failed to return to India, within the time specified, said amount shall stand forfeited to the State.*
- (iii) he will furnish personal bond to the same effect along with surety bond to the satisfaction of the lower appellate Court.*

(iv) *He will inform the lower appellate Court about the date of departure detailing the itinerary of his visit to abroad, including flight number and address where he would reside in abroad as well as contact number on which, he could be contacted in abroad and immediately, after arrival back to India, he will again report to the lower appellate Court.*

(v) *Upon deposit of Rs.4.00 lacs in the Govt. Treasury, furnishing of personal bond as well as surety bond, lower appellate Court will release passport of the petitioner and grant him permission to travel abroad till 03.09.2019 and in the meantime, lower appellate Court will adjourn the case beyond 03.09.2019.*

(vi) *On his return to India, he would again surrender his passport before the lower appellate Court.*

(vii) *If the petitioner returns back to India within the specified time, the amount of Rs.4.00 lacs will be returned to him without any further order.*

Disposed of, accordingly.”

Learned counsel for the petitioner has submitted that after obtaining the permission, the petitioner had gone to U.K. and thereafter, he has returned back within the time granted by this Court. It is further submitted that now the petitioner is again facing the medical problem, as he has been diagnosed with TB and pleural effusion of his lung and is undergoing the treatment in U.K. and for proper management of his treatment, he is required to

stay there for a period of six months. It is also submitted that the security amount of Rs.4.00 lacs deposited by the petitioner in the Govt. Treasury is not withdrawn and the same is still lying deposited there.

Learned State counsel has no objection to the prayer made by the petitioner.

Accordingly, this petition is allowed and the impugned order dated 03.10.2019 (Annexure P-9) passed by the Additional Sessions Judge is set aside. The petitioner is granted permission to travel abroad till 30.06.2020 on the same terms and conditions as per the order dated 30.04.2019.

[ARVIND SINGH SANGWAN]
JUDGE

19.12.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No