

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.243

CRM-M-54848-2018

Date of decision : 7.1.2019

Surjit Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner has challenged order dated 26.11.2018, whereby the learned JMIC, Kapurthala has rejected his application for permission to visit United States of America as well as the revisional order dated 5.12.2018, passed by learned Addl. Sessions Judge, Kapurthala.

FIR No.58 dated 14.5.2009 was registered at P.S. Bholath, District Kapurthala, under Sections 452, 342, 323, 34 IPC. Cancellation report was submitted by the investigating agency, which was not accepted by the trial Court. Thereafter, the police investigated the matter afresh and again submitted a cancellation report. The objections against the cancellation report has been treated as the private complaint and the petitioner and others have been summoned to stand trial.

Learned counsel for the petitioner submits that while the FIR was being investigated and re-investigated, the petitioner traveled to United States of America on a number of occasions and came back every time. His visits to the United States of America were necessitated on account of his son and daughter residing in that country. The petitioner is the owner of a registered firm in India and is also possessed of substantial amount of assets.

One of his sons is also residing in India. Thus, there is no apprehension of

him fleeing from the law especially when the allegations are only minor in nature.

Sh. Surinder Singh son of late Sh. Mukhtiar Singh, resident of House No.527, Phase-10, SAS Nagar, Mohali (co-brother of the petitioner) is present in Court and he submits that he will furnish a bank guarantee in the sum of Rs.15 lacs before the trial Court by 10.1.2019.

In view of the fact that the petitioner has been travelling to the United States of America on and off and has always returned to India as well as the fact that Sh. Surinder Singh, aforementioned, is willing to furnish a bank guarantee in a sum of Rs.15 lacs, the petition is allowed and order dated 26.11.2018, passed by the learned JMFC, Kapurthala and as well as the revisional order dated 5.12.2018, passed by learned Addl. Sessions Judge, Kapurthala, are set aside. The petitioner is permitted to travel United States of America, subject to Sh. Surinder Singh, aforementioned, furnishing a bank guarantee in the sum of Rs.15 lacs before the trial Court by 10.1.2019, incorporating therein a stipulation that in case the petitioner fails to come back to India or absconds from the trial Court, the bank guarantee shall stand forfeited in favour of the State.

A copy of this order be supplied to the counsel for the petitioner under signatures of the Bench Secretary of this Court.

(SUDHIR MITTAL)
JUDGE

7.1.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No