

286.

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

CRM-M-1052-2020

Date of decision: 10.02.2020

ANJU PATHAK AND ANOTHER

... Petitioners

versus

STATE OF U. T. CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Harveen Kaur, Advocate,
for the petitioners.

Mr. J.S. Toor, APP, UT, Chandigarh.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 10.06.2019 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Chandigarh, whereby the application filed by the petitioners to travel abroad for the period w.e.f. 23.08.2019 to 31.01.2020 was allowed, but with a direction to furnish indemnity bonds/FDR to the tune of Rs.10 lakhs each. Challenge has also been laid to the order dated 26.09.2019 (Annexure P-3) passed by learned Additional Sessions Judge, Chandigarh whereby the revision petition filed by the petitioners against the order dated 10.06.2019 passed by learned Judicial Magistrate Ist Class, Chandigarh, was dismissed.

Learned counsel for the petitioners submits that the petitioners are permanent residents of Sirhind, Punjab and are old in-laws of the complainant. It is very difficult for them to arrange two indemnity bonds for

such a huge amount of Rs.10 lakhs each. The complainant is otherwise residing in Australia. After marriage, she stayed in India hardly for a short period of 1 ½ month. The petitioners are old persons and required to go to Australia, so as to meet their sons who are otherwise settled there in Australia.

Learned counsel for the petitioners further submits that now the petitioners intends to travel abroad in the end of March, 2020 and will return back to India on or before 31.08.2020. She further states that the petitioners may be allowed to travel abroad during the above period and condition of furnishing indemnity bonds/FDR of Rs.10 lakhs each may be relaxed. On instructions from petitioners, who are present in the Court, she states that the petitioners are ready to furnish surety of immovable property situated in the State of Punjab.

I have heard learned counsel for the parties.

Considering the fact that the present is a matrimonial dispute between the parties and the petitioners are old in-laws of the complainant and they undertake to return back to India on or before 31.08.2020, the order dated 10.06.2019 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Chandigarh as well as order dated 26.09.2019 (Annexure P-3) passed by learned Additional Sessions Judge, Chandigarh are modified and the petitioners are permitted to travel aboard from the last week of March, 2020 till 31.08.2020 instead of period prayed by them before the learned Magistrate, however, subject to the following conditions:-

- i) that during their absence, counsel for petitioners will appear before the trial Court on their behalf on each and every

date of hearing;

ii) Petitioners will come back to India on or before 31.08.2020 and will mark their appearance before the trial Court as and when required;

iii) Petitioners shall furnish surety for a sum of Rs.10 lakhs each of some immovable property situated in the State of Punjab;

iv) Petitioners shall also execute personal bonds for a sum of Rs.10 lakhs each.

With the aforementioned directions, the petition stands disposed of.

(HARI PAL VERMA)
JUDGE

10.02.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No