

292-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.1083 of 2020

Date of decision: 30.01.2020

Raman Sharma

....Petitioner

Versus

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)

Prayer in this petition is for setting-aside the order dated 04.01.2020 (Annexure P5) passed by the Sub-Divisional Judicial Magistrate, Samalkha in FIR No.349 dated 24.06.2016 registered under Sections 406, 420, 506, 34 IPC (Sections 465, 467, 468, 120-B IPC added later) at Police Station Samalkha, District Panipat, vide which the application filed by the petitioner granting permission to travel abroad, has been dismissed.

Counsel for the petitioner, at the very outset, relies upon the order dated 13.06.2018 passed by this Court in CRM-M No.23651 of 2018, which reads as under:-

“...Counsel for the petitioner submits that the petitioner was granted anticipatory bail by this Court vide order dated 16.11.2016. Counsel for the petitioner further submits that on an earlier occasion, the petitioner was granted permission to travel abroad vide orders dated 04.10.2016, 27.07.2017, 21.09.2017 and 14.11.2017.

Counsel for the petitioner further submits that the petitioner is a businessman and in his ordinary course of

business of import and export, he has to travel abroad on regular basis to attend conference on different dates and fulfill his business commitments.

Counsel for the petitioner further submits that in pursuance to the aforesaid orders passed by the trial Court granting permission to the petitioner to travel abroad, he has neither mis-used the concession nor has exceeded the period for which he was granted permission and has returned back to India within time and every time, has surrendered the pass-port with the trial Court.

Counsel for the petitioner further submits that the petitioner has to attend conference in South Africa from 15.06.2018 to 30.06.2018 with regard to import and export related consignments. Counsel for the petitioner further submits that vide impugned order dated 23.05.2018, the trial Court has dismissed the application filed by the petitioner only on the ground that if such permission is granted, there is possibility that the petitioner/accused will not come back to India.

Counsel for the petitioner further submits that the petitioner's family is residing in India and he owns movable and immovable property in India and there is no possibility of fleeing from the process of justice as he has been facing trial since June 2016 and has never misused the concession of either bail or permission granted to travel abroad.

In reply, the learned State counsel, on instructions from SI Rup Chand, has opposed the prayer on the ground that there is possibility that the petitioner may misuse the concession, if granted.

After hearing learned counsel for the parties, I deem it appropriate to allow this petition considering the fact that on an earlier occasions when trial Court has granted permission to the petitioner to travel abroad, he has returned back to India within time given by the trial Court.

Accordingly, the present petition is allowed. Impugned order dated 23.05.2018 is set aside. The petitioner is granted permission to travel abroad from 15.06.2018 to 30.06.2018 subject to deposit of Rs.2 lakhs with the trial Court as security.”

Counsel for the petitioner submits that the petitioner has to travel abroad for the purpose of some business dealings.

Counsel for the State has not raised any serious objection to the submissions made by counsel for the petitioner.

In view of the above, this petition is disposed of and the order dated 04.01.2020 passed by the Sub-Divisional Judicial Magistrate, Samalkha, declining the permission of the petitioner to travel abroad is set-aside. The petitioner is granted permission to travel abroad from 01.02.2020 to 01.04.2020 except China, subject to depositing of Rs.2.00 lacs with the trial Court. The petitioner shall also furnish an undertaking that in case he failed to return back to India or appear before the trial Court within the aforesaid time, the said amount of Rs.2.00 lacs shall stand forfeited to the State.

It is also clarified that before leaving India, the petitioner shall inform the Investigating Officer/SHO of the concerned Police Station and submit his itinerary along with boarding details and the details of the places where he is travelling along with the details of his stay. He will also furnish an undertaking that on his arrival back to India he will furnish the information to the concerned Investigating Officer/SHO of the concerned Police Station.

30.01.2020

yakub

Whether speaking/reasoned:

Whether reportable:

(ARVIND SINGH SANGWAN)

JUDGE

Yes/No

Yes/No