

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.13047 of 2020 (O&M)

Date of Decision: 09.10.2020

(Heard through VC)

Lakhbir Singh Sanghi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Sanjeev Duggal, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

CRM No.13047 of 2020

Application is allowed as prayed for.

Additional affidavit along with Annexures P-12 to P-14 is taken record.

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1. The instant petition has been filed under Section 482 Cr.P.C. with the prayer to allow the petitioner to travel back to Canada during the pendency of FIR No.05 dated 08.04.2015 registered under Sections 406, 409, 420, 465, 467, 468, 471 and 120-B IPC at Police Station NRI, District Amritsar.
2. Learned counsel for the petitioner herein contends that he was working as an official in Punjab National Bank, Branch Lawrence Road, Amritsar and was performing his duties in a diligent manner. He resigned from his job and was relieved on 12.04.2012. Thereafter, he permanently shifted to Canada.

However, he came to know that FIR as mentioned above has been registered against him on the allegation that he in the discharge of his official duties had wrongly encashed an amount of Rs.64,500/- in the account of Naresh Kumari Uppal wife of Ashwani Kumar Uppal from the bank account of the complainant. In a nutshell, he was negligent in clearance of the cheque. It is further contended the petitioner came back to India on 28.01.2020 and when he was returning to Canada, he was informed that his name was on the wanted list. He apprised the authorities concerned that the complaint had been enquired into by the Punjab Police, NRI Wing and the same was closed. However, he was arrested and brought back to Amritsar and subsequently, he has been released on bail. It is submitted that the allegations in the FIR are patently false as the matter in fact already stands settled between the complainant/ respondent Narinder Kumar Khanna and Naresh Kumari Uppal in whose account the aforesaid cheque of Rs.64,500/- was encashed. It is further argued that proceedings under the FIR are nothing but an abuse of process of the Court.

3. Mr. Vaibhav Narang argues that the petitioner is already appearing before the trial Court, however, on account of COVID-19 pandemic, no proceedings are taking place and therefore, seeks permission to go back to Canada where he is residing. It is also contended that prayer for quashing of the FIR is not being pressed at the present moment and the limited relief sought is only to grant permission to the petitioner to travel back to Canada. The petitioner undertakes to return India to face trial as and when summoned by the trial Court and is ready to abide by the conditions laid down by the trial Court in this regard.

4. Learned counsel appearing on behalf of the respondent No.2-complainant does not strenuously oppose grant of permission to the petitioner to travel abroad

but argues that the petitioner be put to strict conditions so as to ensure his return to face trial as and when required by the trial Court.

5. I have heard learned counsel for the parties and have perused the paper book.

6. Admittedly owing to outbreak of COVID-19 pandemic, the trial is not proceeding and keeping in view the fact that the petitioner has limited his prayer for permission to travel back to Canada, the same is allowed subject to his furnishing a bank guarantee for a sum of Rs.5 lakhs along with an undertaking before the trial Court that he will return back to India to face trial as and when summoned by the trial court. However, the petitioner shall be at liberty to seek quashing of the FIR at a later stage, which would be decided on its own merit.

7. Needless to say that the trial Court shall give a minimum of one month's time to the petitioner to put in appearance before the trial Court, which would be deemed to be adequate notice for the petitioner to make his travel arrangements. The counsel appearing for the petitioner before the trial Court shall ensure that the date of appearance before the trial Court is intimated to the petitioner well within time. In case of failure on the part of petitioner to put in appearance before the trial Court, the bank guarantee furnished by him shall be forfeited.

8. The Crl. Misc. Petition and all applications shall stand disposed of in the above terms with the aforesaid liberty to approach this court again should the need arise.

(JAISHREE THAKUR)
JUDGE

October 09, 2020
Pankaj*

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