

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

**Crl. Misc. M-14426 of 2020**

**Date of decision: 09.06.2020**

**120**

Bharti Yadav

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. ADS Sukhija, Advocate,  
for the petitioner.

(The aforesaid presence is being recorded through  
video conferencing as per instructions).

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks permission to travel to Australia in a  
petition filed under Section 482 Cr.P.C. in FIR No. 464 dated 20.08.2018  
registered under Sections 306/34 IPC, P.S. Sector 10, Gurugram.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana accepts notice.

A perusal of the file would go on to show that the Trial Court  
declined to hear the application on account of the stay by this Court on  
04.02.2020 passed in Crl. Revision No. 2105 of 2019 (Annexure P-1)  
preferred by the petitioner and her mother against the framing of the charge  
since proceedings before the Trial Court were stayed. Resultantly, the  
present petition has been filed.

Counsel for the petitioner has submitted that the petitioner has  
to fulfill her residency in Australia and 8 months of stay has to be completed  
before July, 2021 for permanent residency status. The minor daughter of

the petitioner is a natural born citizen of Australia and on account of the pendency of the criminal case, she is not able to leave the country and it is in such circumstances, the petition has been filed before this Court.

Keeping in view the fact that the challenge as such in the connected proceedings is to the charge framed under Section 306 IPC and the said issue is to be decided on merits as per the legal arguments to be raised and as noticed on the basis of the FSL report pertaining to the hand writing of the deceased. This Court, thus, feels that the said order would not stand in the way as such of the Trial Court to proceed with the application for permission to go abroad. Resultantly, the order dated 24.02.2020 passed by the Additional Sessions Judge, Gurugram (Annexure P-5) declining to entertain the application is set aside. It is for the Trial Court to see that if the application is to be allowed in the facts and circumstances and whether a case is made out and whether appropriate conditions can be imposed if the application is to be allowed to ensure the presence of the petitioner in case the trial is to proceed.

In such circumstances, the present petition is disposed of with liberty to the petitioner to revive her application/or file a fresh application seeking permission from the Trial Court. Needless to say that this Court has not commented on the merits of the case and it would be expected that the Trial Court would decide the application expeditiously keeping in view the urgency involved.

09.06.2020  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No