

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

CRM-M-20817-2020

Date of decision:-29.7.2020

Yogender Pal Walia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Rajat Malhotra, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

By way of filing the present petition under Section 482 Cr.P.C., petitioner – Yogender Pal Walia, aged about 60 years, an accused in FIR No.10 dated 17.8.2017 for the offences under Sections 406, 409, 420, 467, 468, 471, 477-A, 120-B IPC and Sections 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad-1, Punjab, SAS Nagar (Mohali) seeks permission to go to Canada to attend the marriage ceremonies of his son Abhinav Walia fixed for 20.8.2020 to be solemnized at Gurdwara Sahib, Dashmesh Culture Centre, Alberta, Canada. He had moved a similar application before Special Judge, SAS Nagar (Mohali) but the same was declined vide order dated 18.7.2020.

As such, he has knocked at the door of this Court.

Notice of motion.

Mr.Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of respondent – State and opposes the request.

I have heard learned counsel for the parties besides going through the record.

The petitioner is said to have retired as Assistant Engineer, Department of Irrigation, Government of Punjab after completion of 36 years of service. He want to go to Canada to attend the marriage ceremonies of his son Abhinav Walia fixed for 20.8.2020. Supporting documents in that regard have been attached.

It is stated on behalf of the petitioner that petitioner being father and elder member of the family is required to perform religious and pious duties during the marriage of his son and his presence at the venue of marriage ceremonies is a must. He is seeking permission of the Court to go abroad for two and a half months from the month of August, 2020 to mid October including mandatory 28 days of quarantine period due to COVID protocol.

Learned State counsel has contended that the petitioner is an accused in a case of serious nature being part of the scam causing huge financial loss running into hundreds of crores to the State exchequer and there is apprehension of his not returning to India, if allowed to go abroad.

Whereas learned counsel for the petitioner had refuted such apprehensions contending that petitioner has no intention of settling down in Canada and running away from the process of law. He would

return to India after the expiry of the period for which he is granted permission by the Court and would face trial and he is ready to furnish any type of security/surety in that regard.

After hearing learned counsel for the parties and going through the record, I find that necessary permission to travel abroad to the petitioner/accused as prayed for should be granted to him keeping in view the facts and circumstances of the case.

Therefore, the petition is allowed and petitioner is allowed to travel to Canada for a period of two months starting from 1st of August, 2020 till 1.10.2020, subject to the condition that he shall furnish personal and surety bonds in the sum, which may be directed by learned Special Judge, SAS Nagar (Mohali) and to his satisfaction and on such terms and conditions, which may be imposed by that Court.

29.7.2020
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No