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

* * *

Date of Decision: 16th October, 2020

1. CRM-M-31444-2020

Gaurav Kaushik

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-31262-2020

Gaurav Kaushik

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

Mr. Narinder Vadhera, Advocate for the complainant.

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AVNEESH JHINGAN, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The afore-mentioned two petitions have been filed seeking permission by the petitioner to go abroad for a period of five years, to perform his duties in merchant navy.

Two FIRs were registered against petitioner i.e. FIR bearing No. 29, dated 5.7.2018 under Section 498-A and 406 of IPC at Police Station Women, District Bathinda and FIR No. 159, dated 23.7.2019 under Sections

202 and 420 of IPC and Section 12(1)(b) of the Passport Act, 1920 was at Police Station Civil Lines, Bathinda.

There is a dispute between the petitioner and his wife which resulted into various litigations. The petitioner moved applications before the Chief Judicial Magistrate, Bathinda seeking permission for two years to go abroad in context with his employment in merchant navy. The applications were allowed on 30.5.2020 and 14.7.2020 but the Court granted permission for 6 months i.e. from 1.5.2020 to 1.11.2020. The Court took notice that the petitioner was granted anticipatory bail on 3.8.2019, earlier also, his application for permission to go abroad was allowed on 6.9.2020.

The grievance raised by learned counsel for the petitioner is that the orders in one of the cases was passed in July, 2020, thereafter, the petitioner applied for renewal of passport, same was renewed for one year and was given in September, 2020. It is submitted that petitioner is to sail on 25.10.2020, the limited relief sought while arguing is that period granted be extended upto 31.3.2020.

The reply sent by learned State counsel through electronic medium has been printed and taken on record. He opposes the prayer but could not raise any serious objection considering the past conduct of the petitioner.

The complainant was not impleaded as a party but Sh. Narinder Vadhera, Advocate has put in appearance on behalf of complainant-wife. He contended that petitioner had to pay Rs.5 lakhs in the name of minor child as ordered by this Court vide order dated 19.2.2020 in CRM-M-41651-2019, but payment has not been made.

Learned counsel for the petitioner submits that the petitioner is ready to pay Rs.5 lakhs as directed by this Court, same could not be paid earlier

due to Covid-19 situation. Learned counsel for the petitioner submits that his earlier permission was conditional subject to furnishing surety of Rs.30 lakhs, which is still with the trial Court, the petitioner is ready to extend the same for this period also.

For ready reference, the order passed by this Court on 19.02.2020 in CRM-M-41651-2019 is reproduced below:-

“Let an FDR for a sum of ₹ 5 lacs be brought in the name of the minor child in the court on the next date of hearing by the petitioner husband, which amount be adjusted and taken into consideration at the time of final settlement arrived at between the parties.

Adjourned to 07.05.2020.

Parties be present in the court on the date fixed.

Interim order to continue in CRM-M-43108-2019 and CRM-M-43166-2019.

A photocopy of this order be placed on the file of connected cases.”

The petitioner is employed in merchant navy and sailing is his profession. There is no factual dispute that the petitioner earlier sailed after taking permission from the Court and came back thereafter. The Court has already granted permission for six months, however, major portion of the period has lapsed due to procedural formalities.

Considering the facts in totality, the petitioner is granted permission upto 31.3.2021 for sailing, subject to his making payment of Rs.5 lakhs in compliance of directions of this Court and that the surety of Rs.30 lakhs with the trial Court will be extended upto 31.3.2021.

The petitions are disposed of.

(AVNEESH JHINGAN)
JUDGE

16th October, 2020

pankaj baweja

Whether speaking/reasoned: Yes
Whether reportable: Yes