

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

CRM-M-31512 of 2020

DATE OF DECISION :- November 19, 2020

Iqbal Singh Dhillon and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Divanshu Jain, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Reply has not been filed.

The trial Court while dismissing the application moved by the petitioners for permission to go abroad has observed that it has not been explained that the treatment for the ailment from which the petitioners are statedly suffering is not available in India and further more charge is yet to be framed and for that purpose personal appearance of the petitioners would be required. Learned counsel for the complainant has contended that petitioners had been declared proclaimed offenders earlier and there is possibility of their not returning to India, if they are allowed to go abroad.

Learned counsel for the petitioners, however, stated that petitioners were

declared proclaimed offenders while they were residing abroad and that order has since been set aside and pre-arrest bail has been granted to the petitioners. He has further contended that on an earlier occasion the petitioners were granted permission to go abroad which they availed of and had returned to India within stipulated period. He states that the petitioners would abide by any direction or condition imposed by this Court if their application is accepted. The next date of hearing in the trial Court is stated to be fixed as 5.1.2021.

After hearing learned counsel for the parties, I find that the trial Court should be directed to pre-pone the matter on an application being moved on behalf of the petitioners. The trial Court would pre-pone the matter to a short date convenient to it and then hear the counsel on the point of framing of charge. If the trial Court comes to the conclusion that charge is to be framed then the needful be done at the earliest. Learned counsel for the complainant states that he has no objection if such direction is issued to the trial Court. It is further observed that in case the petitioners move a fresh application seeking permission to go abroad then the trial Court may reconsider the matter in light of the fact that the stage of the proceedings before it with regard to framing of the charge/discharge of the accused as the case may be and the fact that this Court in CRM-M-8922 of 2020 has directed that personal appearance of the petitioners before the trial Court is exempted and they are allowed to appear through their counsel with a condition that they would appear in person before the trial Court in case the trial Court requires their physical appearance. The factum of the petitioners having gone abroad earlier with permission from the Court and their return within time be also taken into view while deciding the said application.

With such observation the present petition stands disposed of.

A copy of this order be sent to the trial Court through District
and Sessions Judge concerned for information and necessary action.

(H.S. MADAAN)
JUDGE

November 19, 2020
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No