

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

Criminal Misc. No.M-1543 of 2021(O&M)

Date of Decision: January 19, 2021

Ujagar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Manish Kumar Singla, Advocate
for the petitioners.

Mr.Sidhakmeet Singh Sandhu, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioners have filed this petition under Section 482 Cr.P.C seeking permission for allowing them to visit USA from 28.01.2021 to 28.07.2021 for treatment of petitioner No.1 Ujagar Singh and also to meet their son, who is residing there.

The petitioners are accused in case FIR No.148 dated 27.07.2020 under Sections 420, 306 IPC, registered at Police Station Ahmedgarh, District Sangrur. They were granted anticipatory bail vide order dated 27.10.2020 passed in Criminal Miscellaneous No.M-24028 of 2020. They have furnished bail bonds in the sum of Rs.10,00,000/- with one surety in the like amount before the Ld, JMIC Malerkotla.

Ld. counsel for the petitioners states that the petitioners have been residing at 840, Alice Ave Apt 17, Mountain View, CA (USA) for the

last many years. They are Non-Resident Indians and Permanent Residents of United States of America. Reference has been made to Annexure P-2 and P-3 (copies of Permanent Resident Cards). Their son is also Permanent Resident of USA. As Harjinder Kaur, sister of petitioner No.1 died on 05.02.2020 they came to India on 07.02.2020. They were to go back on 04.05.2020, but due to lockdown they could not go back. Meanwhile, in July, 2020 the false case was registered against them.

It is further stated that petitioner No.1 had suffered an heart attack and was taking regular treatment at USA. Petitioner No.1 wishes to continue his treatment from USA. He needs company of petitioner No.2 to take care of him. Both the petitioners are in their sixties. The summary of the hospitalization of petitioner No.1 in EO Camino Hospital in USA is Annexure P-1. It is also stated that if the petitioners do not return to USA before 01.02.2021 their Permanent Resident status will be in danger.

Ld. counsel for the petitioners has stated that the proceedings of the Trial Court may continue in the absence of the petitioners. Their daughter Manpreet Kaur, also a co-accused in the case, who has also been granted anticipatory bail, will be there to attend the proceedings. They will also be represented by their counsel. They have no objection if the proceedings are conducted in their absence. They undertake to attend the legal proceedings on their return.

Ld. Deputy Advocate General, Punjab on the other hand has argued that as the petitioners are USA citizens, if they are permitted to go abroad there is every apprehension that they may not return to face trial.

Having heard Ld. counsel and considering the totality of

circumstances, the prayer of the petitioners deserves to be and is allowed.

The petitioners would furnish one surety, each, for an amount of Rs.20,00,000/- (twenty lakhs) before the Trial Court/Duty Magistrate. Subject to this condition, they are permitted to go abroad from 28.01.2021 to 28.07.2021 as prayed. The learned Trial Court/Duty Magistrate is requested to release the passports to the petitioners, if taken into possession by the Police.

After return to India the petitioners would surrender their passports before the Trial Court/Duty Magistrate, concerned, on or before 15.08.2021.

Petition stands disposed of accordingly.

January 19, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No