

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

CRM-M-11871-2021

Date of decision:19.04.2021

Swaranjeet Kaur

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Ms. Gagan Deep Grewal, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks permission to go to Canada for a period of three months during the pendency of FIR bearing No.82 dated 18.09.2020 registered under Sections 406 and 120-B IPC at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner states that the present FIR was registered against the petitioner on the complaint of Beant Singh, complainant/respondent No.2 and during the pendency of the present FIR, a compromise was arrived at between the parties. Accordingly, the petitioner filed CRM-M-6930-2021 for quashing of FIR on the basis of said compromise wherein, the notice was issued and the parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the said compromise. It is further stated that in pursuant to the said order, statements of the parties have already been recorded before the court concerned.

Learned counsel for the petitioner further states that the petitioner is a permanent resident of Canada. Vide order dated 01.03.2021, the Judicial Magistrate 1st Class, Moga, allowed the petitioner to travel Canada for three months i.e. 01.03.2021 to 22.04.2021. It is further stated that the dates in the aforesaid order were wrongly mentioned as the period between 01.03.2021 and 22.04.2021 was only 01 month and 22 days and therefore, the said period being very less, the petitioner could not go to Canada. Thus, the petitioner seeks permission to go to Canada for a period of three months. He relies upon a judgment passed by a Coordinate Bench of this Court in CRM-M-41608-2018 titled as 'Paramjit Kaur Vs. State of Punjab', decided on 28.09.2018.

Learned State counsel states that in the present case, the cancellation report has been filed.

Learned counsel for respondent No.2 does not dispute the factum of the compromise effected between the parties and recording the statements of the parties qua the same.

I have heard learned counsel for the parties.

As noticed above, in the present case, the petitioner is permanent resident of Canada and she is facing trial in the above noted FIR. Though, the Judicial Magistrate 1st Class, Moga, had granted permission to the petitioner to go to Canada for three months but dates were wrongly mentioned. Moreover, pursuant to the compromise between the parties, their statements have already been recorded before the court concerned. Above all, as pointed out by learned State counsel, the cancellation report in the present case has already been filed by the police.

In view of the above, the present petition is disposed of and the

petitioner is permitted to travel Canada with effect from 20.04.2021 to 29.06.2021, subject to her executing a personal bond in the sum of Rs.3 lakh before the trial Court, with an undertaking that she would report back on or before 29.06.2021. The trial Court/Duty Magistrate may further impose any other condition, which it may deem fit and proper in the peculiar facts and circumstances of the case.

19.04.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No