

CRM-M-14966-2021

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

CRM-M-14966-2021

Date of decision:20.07.2021

Monica Batra

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner lays challenge to the order dated 25.03.2021 (Annexure P-8) passed by the learned Judicial Magistrate Ist Class, Faridabad, whereby an application moved by the petitioner, seeking permission for the overseas itinerary, has been dismissed.

Learned counsel for the petitioner contends that on 19.09.2019, the petitioner moved an application, seeking permission to go abroad w.e.f. 01.10.2019 to 01.11.2019, which had met with the fate of dismissal, vide order dated 20.09.2019 (Annexure P-5) passed by the learned trial Court. Being dissatisfied, the petitioner approached this Court by way of CRM-M-41065-2019, which had been disposed of by granting permission to the petitioner to travel abroad (Hong Kong and Dubai) for the period as stated above, subject to the conditions that she would furnish

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a bank guarantee to the tune of Rs.5 lakh with the trial Court/Illaqa Magistrate. However, she was unable to arrange for the said guarantee at that moment, but she is now able to furnish the same. The petitioner is having a valid passport to visit the countries, as stated above. He further submits that the petitioner has not been declared as proclaimed offender and she has never misused the concession of bail. He further submits that son of the petitioner is studying in Hong Kong and her husband is doing job in Dubai and she has not met them for a long time. On this premise, learned counsel prays that the petitioner be granted permission for the overseas itinerary.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that in case the relief as sought in the petition is allowed to the petitioner, she may misuse the same.

I have heard the learned counsel for the parties.

Perusal of the record would reveal that passport of the petitioner was released, vide order dated 26.07.2019 passed by the learned trial Court. Vide order dated 25.09.2019 passed by a Coordinate Bench of this Court, the petitioner had been granted permission to travel abroad (Hong Kong and Dubai) w.e.f. 01.10.2019 to 01.11.2019, subject to the conditions that she would furnish a bank guarantee to the tune of Rs.5 lakh with the trial Court/Illaqa Magistrate. But, on account of financial constraints, the petitioner could not furnish the requisite bank guarantee. However, as per the learned counsel for the petitioner, the petitioner is now ready to furnish the same.

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In view of the above, the impugned order dated 25.03.2021 (Annexure P-8) passed by the learned Judicial Magistrate Ist Class, Faridabad, is set aside and the petitioner is granted permission to travel abroad (Hong Kong and Dubai) w.e.f. 28.07.2021 to 28.09.2021, subject to the conditions that she would furnish a bank guarantee to the tune of Rs.5 lakh with the trial Court/Illaq Magistrate. It is further clarified that the petitioner shall also furnish the complete details of her itinerary as well as the phone number, which she would be using while abroad and she should report back immediately to the trial court on her arrival to India.

On returning back to India, the bank guarantee of Rs.5 lakh shall be released in favour of the petitioner.

Disposed of in the aforementioned terms.

20.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No