

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

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CRM-M-26347 of 2021(O&M)

Date of Decision: 19.07.2021

Kanwarpal Singh @ Jugnu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kanwalvir Singh Kang, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for issuance of direction to learned Court of Additional Sessions Judge, Patiala to decide the application bearing CRM-419 of 2021 dated 21.06.2021 filed by the petitioner seeking permission to go abroad within stipulated time frame.

The petitioner is accused in FIR No. 11 dated 14.01.2013 under Sections 307, 323, 324, 326, 458, 459, 460, 427, 201, 148 and 149 IPC registered at Police Station Rajpura City, District Patiala. The petitioner was declared proclaimed offender vide order dated 28.01.2016 (P-3). Vide order dated 28.01.2016 all the three co-accused namely Satnam Singh, Gurwinder Singh and Avtar Singh were acquitted of charges under Section 450, 307, 326, 201 read with Section 149 IPC but convicted under Sections 148, 452 and 324 IPC and were released on probation. The complainant had preferred an

appeal before this Court bearing CRM-A-1049-MA of 2016 and vide order dated 09.11.2016 lower Court record has been summoned by this Court. The appeal has been admitted.

It is the case of the petitioner that the petitioner was not in India and he was not aware about the pendency of the case against him. Immediately on his return to India, he has filed CRM-M-21801 of 2019 seeking permission to appear before the trial Court with interim protection, which was allowed. The petitioner was given liberty to join the proceedings before learned trial Court and was directed to be released on interim bail. Thereafter, the petitioner appeared before trial Court and was released on bail. Since then he is regularly appearing before learned trial Court.

Petitioner is a citizen of United States of America. He had filed an application before learned trial Court seeking permission to visit United States of America from 25.02.2021 to 25.06.2021. The said application could not be decided as the record of the case was lying in the High Court. The application was rendered infructuous after the period for which the permission to go abroad was sought expired. The petitioner has again moved application seeking permission to visit United States of America from 01.08.2021 to 31.12.2021. Learned counsel states that the Trial Court is unable to proceed with the application as the record is lying in this Court.

In view of the aforesaid facts and circumstances, the Registry is directed to remit the record summoned in case bearing CRM-A-1049-MA of 2016 to the Trial Court. The Trial Court may

decide the application of the petitioner to go abroad expeditiously and thereafter send the record backs to this Court.

Disposed of accordingly.

[HARINDER SINGH SIDHU]
JUDGE

July 19, 2021
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no