

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27351 of 2021

Date of Decision: 14.9.2021

Satish Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.S.Manhas, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this instant petition, filed under Section 482 Cr.P.C., the petitioner seeks permission to go abroad (U.K.) for a period of two months for business purpose i.e. to assist the documentation between petitioner's company and its employees and to quash order dated 27.01.2021 (Annexure P-6) passed by Judicial Magistrate, 1st Class, Kurukshetra, Haryana, whereby such permission has been declined.

The petitioner is an accused in FIR No. 217 dated 6.8.2016, registered under Sections 148, 149, 323, 325, 341, 506 IPC at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner is an NRI and has been a resident of Italy since 1998 and the family of the petitioner is also residing in Italy. The petitioner has got business in England and as per the Certificate of Incorporation of a Private Limited Company, issued by the Registrar of Companies for England and Wales

dated 4.6.2020, the petitioner is the Director of R.D.Cutting Services Ltd.

Company, along with Subhash Chander. Learned counsel further submits that the petitioner intends to visit United Kingdom for a period of two months for the business purposes.

Learned counsel for the petitioner further submits that a similar prayer of the petitioner was allowed by a Co-ordinate Bench of this Court vide order dated 07.2.2020 (Annexure P-12) passed in CRM-M-39552-2019 and permission was granted to him to go abroad for a period of two months. He further submits that the petitioner is ready to execute a bank guarantee in the sum of Rs. 20.00 lakh as a condition precedent for allowing him to go abroad for a period of two months.

Learned State counsel submits that as per the reply, the prosecution evidence is going on and out of 14 prosecution witnesses, 07 have been examined. However, he has not disputed the fact that the petitioner was given similar relief by a Co-ordinate Bench of this Court.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner had earlier been granted similar relief by a Coordinate Bench of this Court. So far as the contention of the learned State counsel that the evidence is going on and 7 witnesses are yet to be examined, suffice it to say that the petitioner being represented by his counsel, the remaining witnesses can well be examined by the counsel and as such the absence of the petitioner on such date(s) of examination of the witnesses, if any, cannot be a ground to stall the proceedings before the trial Court.

Keeping in view the above, the petitioner is permitted to visit United Kingdom for business purposes, for a period of two months subject to the condition that the petitioner would execute a bank guarantee for a

sum of Rs. 20.00 lakh to the satisfaction of the trial Court.

The petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

September 14, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No