

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29349-2021 (O&M)

Date of Decision:- 27.7.2021

Kartar Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mansur Ali, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

Instant petition has been filed on behalf of the petitioner seeking modification of order dated 16.7.2021 (Annexure P-10) passed by JMIC, Moga vide which her application seeking permission to go abroad has been allowed partly to the extent that she has been permitted to visit abroad upto 21.8.2021 although a prayer had been made to grant permission to go abroad for a period of 5 months.

Notice of motion.

At this stage Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of respondent-State.

Learned counsel for the petitioner submits that although the petitioner is involved in FIR No. 4 dated 17.7.2020, Police Station NRI, District Moga, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC but the proceedings arising out of the FIR have already been ordered to be stayed. It has further been submitted that the petitioner in view of the nature of allegations was even extended the benefit of anticipatory bail by the trial Court itself.

It has been submitted that although the trial Court was very kind in granting permission to the petitioner to go abroad uptill 21.8.2021 but since huge expenses are to be incurred for visiting abroad, she may be permitted to stay abroad for a longer period upto the last week of October, 2021 particularly in view of the fact that no effective proceedings are being conducted in respect of the FIR as the proceedings have been ordered to be stayed by this Court.

Learned State counsel has submitted that since the trial Court itself has granted permission to the petitioner for going abroad, he would not have any objection for extending the period of visit subject to the condition that some stringent conditions are imposed upon the petitioner so as to ensure that she duly return after availing the aforesaid concession.

I have considered the aforesaid submissions addressed before the Court.

Keeping in view the fact that the petitioner is an aged lady of about 78 years and while bearing in mind that the proceedings arising out of the FIR have already been ordered to be stayed and that the applicant has already been granted permission to go abroad, the petition is hereby accepted and the order dated 16.7.2021 passed by the trial Court is hereby

modified to the extent that the petitioner would be permitted to go abroad uptill 31.10.2021 and would be required to come back on or before 1.11.2021. The aforesaid petition is however, being allowed subject to the condition that the petitioner instead of depositing an amount of Rs.8 lakhs in her account as has been directed by the trial Court would deposit an amount of Rs.12 lakhs in FDR in some nationalized bank. However, she would not be able to encash the said FDR without the permission of this Court. The trial Court shall issue necessary directions to the Bank Manager concerned. In case of any violation of the condition(s), as imposed in order dated 16.7.2021 passed by trial Court, the amount deposited in FDR may be forfeited in favour of the State.

The petition stands accepted accordingly.

A copy of this order be handed over to the learned counsel for the petitioner under the signatures of Bench Secretary of this Court.

A copy of this order be sent to the trial Court immediately to do the needful particularly as regards the issuance of a direction to the concerned bank.

27.7.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No