

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

112

CRR-224-2022(O & M)
Date of decision:03.02.2022

ASHWANI YADAV

...petitioner

V/S

STATE OF HARYANA

...respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Aditya Yadav, Advocate for the petitioner

Mr.Neeraj Poswal, AAG Haryana

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner challenges the order of the learned Additional Sessions Judge, Rewari, dated 28.01.2022, by which his application seeking permission to go abroad (Ireland) to pursue higher studies, has been dismissed.

Learned counsel submits that FIR No.363 dated 15.10.2019 was registered at Police Station Dharuhera, District Rewari, alleging therein that the petitioner abused and attacked the complainant while he was in the *mandir*, stating that he would not let him “fight an election” and that the petitioner also allegedly ran towards the complainant’s wife with a piece of wood and abused her. Consequently, the FIR came to be registered alleging therein the commission of offences punishable under Sections 323 and 506 IPC.

The *challan* having been presented to the competent court eventually, the charge is stated to have been framed against the petitioner but with no prosecution witness examined so far.

Learned counsel submits that the petitioner has been a bright student throughout, with him having obtained 66.4% marks in Class X, after which he obtained a Diploma in Engineering in the year 2009 and a degree of Bachelor of Technology in Mechanical Engineering in the year 2015, after which he also obtained an MBA degree in the year 2017. He submits that the petitioner has in fact obtained admission in the Dublin Business School, Ireland (stated actually to be a college as per the admission confirmation letter Annexure P-3), and that he has obtained extension to join the course by 05.02.2022, i.e. the day after tomorrow. He submits that the petition could not be filed earlier as the impugned order dated 28.01.2022 became available to him only on 01.02.2022.

He also fairly submits that in fact there is yet another FIR, no.392 dated 16.07.2021, registered against the petitioner, alleging therein the commission of offences punishable under Sections 498-A and 323 of the IPC, in the context of which permission has already been granted to him by the trial Court itself (CJM, Bhiwani), on 25.01.2022 (copy Annexure P-10).

Notice of motion.

Mr.Neeraj Poswal, AAG Haryana, accepts notice on behalf of the respondent-State, at the asking of the court. A copy of the paper book be supplied to him during the course of the day.

Learned State counsel submits that with the petitioner facing trial, he cannot be allowed to travel abroad even for the purpose of pursuing any higher studies.

Having considered the matter, though otherwise learned State counsel would be correct in his contention, especially when there is yet another criminal case registered against the petitioner, but looking at the fact that in the context of

that case, he has already been granted permission by the trial Court itself to pursue higher studies for a period of one year, i.e. till the end of January 2023 and the case in question presently is one alleging therein the commission of offences punishable under Sections 323 and 506 of the IPC, and with the petitioner also having been admitted to bail by this court (coordinate Bench), in respect of the said offence, vide an order dated 23.07.2020 (copy Annexure P-2), I would see no purpose in possibly ruining the career of the petitioner and consequently, this petition is allowed with the impugned order dated 28.01.2022 set aside. The petitioner is permitted to travel abroad for the purpose of the aforesaid course, with him to positively return to physically face proceedings before the trial court, by 28.02.2023, failing which, naturally appropriate proceedings would be taken by that court against him.

In the meanwhile, the petitioner would earnestly endeavor to appear before the trial court on each date when he is summoned, through video conferencing from Ireland, and in case he is unable to do so for any valid reason, an appropriate application would be moved by his counsel before the trial court, which would be considered by that court wholly on its own merits.

Learned State counsel also submits that the petitioner may be directed to furnish additional surety, other than the one he would have already furnished in context of the bail granted to him under the provisions of Section 438 of the Cr.P.C., since he is now to proceed abroad.

That contention is considered to be absolutely fair and consequently the petitioner would furnish additional surety in the sum of Rs. 1 lakh to the

satisfaction of the trial court, prior to him being allowed to proceed abroad.

(AMOL RATTAN SINGH)
JUDGE

03.02.2022

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No