

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

CRM-M-6745 of 2022

DECIDED ON: 21st February, 2022

Jagwinder Singh Cheema

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rahul Rampal, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 482 Cr.P.C. is filed seeking quashing of order dated 6.10.2021 whereby the application for seeking permission to go abroad was dismissed by learned Additional Chief Judicial Magistrate, Fatehgarh Sahib.

The brief facts are that the petitioner is named in FIR No. 221 dated 18.9.2019, under Sections 419, 420, 120-B, 511 IPC, registered at Police Station Sirhind, District Fatehgarh Sahib. He was granted interim anticipatory bail by this Court. On grant of anticipatory bail without permission of the Court he left the country. When the matter was taken up for confirming the bail, the petitioner tendered unconditional apology and offered to surrender his passport and deposit Rs.5,00,000/- with Illaqa Magistrate subject to outcome of the trial. The interim bail was made absolute on 13.9.2021.

Thereafter, an application was moved seeking permission to go abroad. The Addl. Chief Judicial Magistrate dismissed the application on short ground that passport was surrendered in the High Court in compliance with directions passed by the High Court, so it cannot be returned.

The impugned order is set aside.

It is clarified that surrender of passport was only a condition imposed for confirming anticipatory bail. The subsequent application is for fresh cause of action, let the Court concerned decide the application in accordance with law on merits.

21st February, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>