

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.215

Case No. : CRM-M No. 11762 of 2022

Date of Decision : June 13, 2022

Sanjeev Kumar Jakhu Petitioner
vs.
State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE M. S. RAMACHANDRA RAO.

* * *

Present : Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Himanshu Garg, Advocate
for Mr. Sandeep Kumar, Advocate
for respondent no.2.

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M. S. RAMACHANDRA RAO, J. (Oral) :

Reply on behalf of respondent no.2, filed today in Court, is
taken on record.

The present petition has been filed under Section 482 Cr.P.C.
seeking quashing of the impugned order dated 22.02.2022, passed by Chief
Judicial Magistrate, Ludhiana insofar as the said Court had directed the
petitioner to furnish a bank guarantee of Rs.20,00,000/- showing that the
petitioner would return to India from Canada within two months and also to
furnish personal bond of Rs.20,00,000/- and furnish two local sureties of
Rs.20,00,000/- each undertaking his return to India within the stipulated
time period.

Counsel for the petitioner contends that there is a decree of divorce granted by Hon'ble Supreme Court of British Columbia on 05.06.2021 between the parties; that the petitioner is currently unemployed and the conditions imposed by the court below are onerous because of which the petitioner is unable to travel to Canada till now. It is contended that the petitioner does not have that much funds to furnish bank guarantee of Rs.20,00,000/- and he has to go back to Canada where he has a permanent residency and earn livelihood for himself.

In reply filed by respondent no.2, she opposed relaxation of conditions imposed by the court below and instances have been shown where similar conditions were imposed by this Court as well as by Hon'ble Supreme Court.

The decisions cited by respondent no.2 are to be considered in the light of financial capacity of the parties in those cases and therefore, cannot be blindly applied as a precedent. Moreover, these cases, according to the counsel for the petitioner, relate to financial irregularities and commission of different offences under different Sections of the penal Statutes and therefore, such other situations have no relevance as far as this case is concerned.

I am of the opinion that the conditions imposed by the court below are onerous. Therefore, the said order dated 22.02.2022 passed in CRM/1642/2022 is modified, permitting the petitioner to visit Canada for a period of two months starting w.e.f. 27.06.2022, after furnishing bank guarantee in the sum of Rs.5,00,000/- with the court below assuring that he

would return to India within a period of two months and also furnishing personal bond of Rs.5,00,000/- undertaking his return to India within the above time period. The other conditions imposed by the court below in Clause (3) to Clause (7) of Para-5 are maintained.

Disposed of accordingly.

June 13, 2022

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(M. S. RAMACHANDRA RAO)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.