

258 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23244-2022 (O&M)

Date of Decision: 05.07.2022

VIRINDER KUMAR DHIR AND ANOTHER ... PETITIONERS

VS.

STATE OF PUNJAB

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sapan Dhir, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioners are facing trial in the case bearing FIR No.08 dated 09.05.2018 under Sections 406 and 498-A IPC registered at Police Station NRI, Ludhiana in the Court of learned Chief Judicial Magistrate, Ludhiana.

The petitioners had submitted an application for permission to visit Australia. In terms of order dated 12.05.2022, the said permission was granted in the following terms:-

“However, the period for which the permission has been sought by the accused/applicants is concerned, is apparently too long. As an upshot of discussion aforementioned and taking hindsight view of the matter, application in hand is partly allowed and applicants/accused are allowed to travel to Australia for two months w.e.f. 26.05.2022 subject to following conditions:-

(1) Accused/applicants shall furnish bank guarantees of Rs.20,00,000/- (Rs.Twenty Lac), each, to the court

thereby assuring that they would return to India within the time period from 26.05.2022, which they would intimate to the court.

(2) Besides furnishing personal bonds of Rs.20,00,000/-, each, they shall furnish two local sureties of Rs.20,00,000/- each thereby undertaking their return to India within time period granted.

(3) Accused/applicants shall submit their address, where they would be putting up during their stay at Australia alongwith the contact number.

(4) Accused/applicants shall inform to the court their date of departure, flight by which they would be departing, the date on which they would be arriving back.

(5) Accused/applicants would submit duly certified copies of their passports to this court.

(6) Accused/applicants shall not visit any other country except for Australia.

(7) Accused/applicants will not dispute their identity during the trial and will have no objection for the continuance of the said trial in their absence and in the presence of their counsel and will ensure that their counsel appears on each and every date of hearing and in case any prosecution witness is examined, then the said witness will be cross-examined on the same date without fail by their counsel.”

Learned counsel for the petitioners contend that even at the earlier three instances, the petitioners had visited abroad and had returned back within the prescribed time frame. He has restricted his prayer only to the extent for relaxation of some of the conditions as mentioned aforesaid. He further contends that instead to bank guarantee of Rs.20 lakhs, the petitioners may be permitted to furnish guarantee in the form of FDRs for the equivalent amount. Even at the earlier two occasions, the petitioners

were permitted to furnish guarantee in the form of FDRs. Furthermore, the petitioners have been directed to furnish two local sureties. The petitioners are stated to be residents of Panchkula and it may be quite inconvenient for them to arrange local sureties at Ludhiana where the trial is pending. Consequently, it has been sought that instead of local sureties, the petitioners may be permitted to furnish the sureties subject to the verification of their surety documents. The permission was granted to travel to Australia for a period of two months w.e.f 26.05.2022. As the said period has already commenced, a request has been made that the period of two months may commence from 16.07.2022.

Learned State counsel has expressed her no objection in the event the aforesaid relaxations are granted to the petitioners.

Accordingly, the aforesaid conditions are partially modified as following:-

- (1).The petitioners are allowed to travel to Australia for a period of two months w.e.f. 16.07.2022.
- (2). In place of condition no.1, as imposed by the learned trial court, the petitioners shall furnish guarantee in the form of FDRs to the tune of Rs.20 lakh each to the Court, whereby, assuring that they would return back within the time period of two months commencing from 16.07.2022.
- (3). Besides, in place of condition no.2, the petitioners shall furnish personal bonds in the sum of Rs.20 lakhs each with one surety in the like amount each with an undertaking to return back to India within the time period granted.

With the aforesaid partial modification in the impugned order,
the petition is disposed of.

05.07.2022
smriti

(VIVEK PURI)
JUDGE

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