

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

206

CRM-M-26024-2022

Decided on : 17.06.2022

Satish Kumar

.....Petitioner(s)

Versus

Puneet Sood

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Alok Kumar Jain, Advocate for
Mr. B.K. Mehta, Advocate for the petitioner.

Mr. Puneet Kumar Bansal, Advocate for the respondent.

G.S. Sandhawalia, J. (Oral)

Petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 31.05.2022, whereby the petitioner's application to leave the country from 08.06.2022 to 15.07.2022 has been declined. The reasoning by the Chief Judicial Magistrate, Ferozepur was that on account of the orders passed by this Court in CRM-M-2240-2020 on 20.01.2020, proceedings in the case had been stayed.

The petitioner is accused in the complaint case filed under Section 452, 387, 323, 506, 148, 149 IPC filed by the respondent. It is not disputed that accused No.3-G Vijay Bhaskar, Chief Executive Officer, Cantonment Board, Ferozepur Cantt. had approached this Court in the said case and got the stay of further proceedings, which would be clear from (Annexure P-4). In the application filed for anticipatory bail by the petitioner, by order dated 05.07.2016, he had been directed not to leave India without the permission of the Court while being granted the said benefit of anticipatory bail from the Addl.Sessions Judge. Apparently the charges have been framed on 13.12.2019 under Sections 452, 506 IPC (Annexure P-3) and now in view of the stay obtained by the co-accused, the matter has come to a standstill.

The ground for going abroad is that the petitioner's children are living in Canada for the last 4 years. It is submitted that he has six years of service and he is working as Sub-Divisional Engineer at Ferozepur Cantt. It has also been mentioned that FIR No.12 dated 27.05.2016 was also lodged by the CBI, Chandigarh under Sections 420, 468, 471 read with 120-B IPC and under Sections 13 (2) read with Section 13 (1)(d) of the Prevention of Corruption Act, 1988 and there is a closure report dated 05.09.2010 against him.

The petition has been opposed by the respondent/complainant by filing reply, wherein it has been mentioned there are 3 more criminal complaints bearing No.89, 242 and 277, apart from the FIR as already referred to by the petitioner. It has also been mentioned in one of the cases it is now listed for 16.07.2022 for orders on account of the fact that the matter was argued for summoning the accused.

The counter affidavit has also been filed by the petitioner wherein he has specified that closure report was submitted before the CBI Court on the first date itself and the said order has also been placed on record (Annexure P-9), which is still stated to be pending. In the counter affidavit it has also been mentioned that in the 3 complaints bearing No.89, 242 and 277 he has not been summoned and in FIR No.110 dated 14.09.2016, the petitioner is not an accused and challan was not presented against him, which fact is not denied by the counsel for the respondent.

It has further been mentioned that the petitioner has re-booked his tickets and rescheduled his travel from 22.06.2022 to 15.07.2022 and undertakes to return to India 15.07.2022. It is also mentioned that he has not

met his children for the last 4 years and there is no flight risk to reach a conclusion the petitioner will abscond or evade the process of law. Since the petitioner is in Government service and in case he does not return from Canada, appropriate steps can be taken to retain his retiral benefits.

It is submitted that he had applied for ex-India leave on 21.04.2022 (Annexure P-14) and has got sanction of leave on 24.05.2022 and there is a personal animosity of the respondent.

Keeping in view the above since the proceedings had been stayed in the criminal complaint and in the other three cases he has not been summoned, whereas there is a closure report in FIR No.12 dated 27.05.2016, this Court is of the considered opinion that sufficient cause has been made out for travelling abroad to meet his children.

The interest of the respondent can also be protected by asking the petitioner to furnish a fixed deposit receipt of Rs.4 lakhs in favour of the concerned Court, which would be valid for a period of three months. The same will be returned to the petitioner on his arrival from Canada. Liberty is also given to the respondent to file an appropriate application, if any such condition is violated.

With the aforesaid observations, the present petition stands allowed and the petitioner is allowed to travel abroad on fulfilling the above conditions.

(G.S. SANDHAWALIA)
JUDGE

June 17, 2022

Naveen

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No