

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

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CRM-M-28177-2022

Date of Decision : **July 06, 2022**

AMRIT PAL KAUR

.....Petitioner

VERSUS

STATE OF U.T. CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. H.S.Kahlon, Advocate
for the petitioner.

Mr. C.S.Bakhshi, Addl. PP for UT, Chandigarh.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 1.7.2022 Annexure P-6 with a further direction to the learned trial Court to allow the petitioner to travel to Canada from 8.7.2022 till 10.8.2022.

The learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 69 years and is facing prosecution from the year 2015 under Sections 420, 120B IPC. He submitted that the daughter and the grand-daughter of the petitioner are residents of Canada and she wishes to visit and meet them in Canada and for that purpose she has filed an application before the learned trial Court for granting permission for travelling abroad i.e. Canada but the same has been dismissed vide impugned order 1.7.2022 only on the ground that she has not mentioned any urgency or any such condition for which she may be granted permission to go abroad. The learned counsel for the petitioner

has submitted that after the Covid-19 pandemic, the petitioner is now wanting to meet her own daughter and grand-daughter and this itself would constitute a good ground and, therefore, the reason assigned by the learned trial Court is erroneous. He submitted that the mere pendency of proceedings under Sections 420 and 120B IPC would not disentitle the petitioner from travelling abroad which is a right vested in her. He also relied upon the judgment of the Hon'ble Supreme Court in **Parvez Noordin Lokhandwalla Vs. State of Maharashtra & Anr. 2021(1) SCC(Crl.) 436** in this regard. He further submitted on categorical instruction from the petitioner that the air tickets of the petitioner are scheduled from 8.7.2022 and the returned tickets are of 10.8.2022 and she undertakes to come back to India on the aforesaid returned tickets of 10.8.2022 and the date fixed for prosecution evidence before the learned trial Court is 22.8.2022 and her scheduled return is much before the date fixed before the learned trial Court.

On the other hand, Mr. Bakhshi, Addl. PP for UT, Chandigarh has submitted that so far as the proposition of law with regard to travel to abroad is concerned, the same is not in dispute. He has only submitted that the petitioner should undertake to return back on the time scheduled which she has given to this Court and has also stated in the petition.

I have heard the learned counsels for the parties.

The petitioner is a lady of the age of 69 years and she is facing trial since the year 2015 in the matter pertaining to Sections 420 and 120B IPC. By way of impugned order, the learned trial Court has

rejected the application of the petitioner only on the ground that the petitioner has not been able to show any urgency. However, on the basis of the facts and circumstances of the present case and the arguments raised by the learned counsel for the petitioner, this Court is satisfied that a lady of the age of 69 years, if she wishes to go abroad for the purpose of meeting her daughter and grand-daughter that itself would constitute a good ground and, therefore, the reason on the basis of which the learned trial Court has rejected the prayer of the petitioner is not sustainable. Even otherwise also the next date before the learned trial Court is fixed for 22.8.2022 as per the learned counsel for the parties and the learned counsel for the petitioner on behalf of the petitioner has undertaken before this Court as well that she will return back on the scheduled return tickets which are for 10.8.2022.

In view of the above, this Court is of the considered opinion that the impugned order dated 1.7.2022 deserves to be set-aside and the petition deserves to be allowed.

Consequently, the present petition is allowed and the impugned order dated 1.7.2022 is, hereby, set-aside. The petitioner shall be at liberty to visit abroad on the scheduled dates given by the petitioner in the present petition and before this Court as well.

(JASGURPREET SINGH PURI)
JUDGE

July 06, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No