

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

CRM-M-28366-2022

Date of decision:-7.7.2022

Om Parkash Saini and another

...Petitioners

Versus

Union Territory, Chandigarh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.R.S. Chauhan, Advocate
for the petitioners.

Ms.Vasundhara Dalal Anand, APP, UT, Chandigarh.

H.S. MADAAN, J.(ORAL)

The petitioners are accused in case FIR No.05 dated 01.01.2019, under Sections 406, 498-A IPC, registered with Police Station Women Police Station, Sector 17, Chandigarh. They had filed an application for permission to go abroad i.e. Canada to meet their son, daughter in-law and grandson for the purpose from 07.06.2022 to 06.12.2022. However, following terms & conditions were imposed while granting the permission:-

- i) that the applicants-accused shall not seek extension of the period of their stay abroad at any ground whatsoever except in case of medical emergency and shall return to India by 08.12.2022;
- ii) that the applicants-accused shall not visit any other country except Canada;
- iii) that the applicants-accused shall not in any manner

tamper with the evidence of the prosecution;

iv) that the applicants-accused shall place original passport on record within four days after their return from abroad. The applicants are also directed to place photocopies of their passports on record.

v) that the applicants-accused shall execute personal bonds in the sum of Rs. 5 lakhs with two sureties each in like amount and one of the surety of both the applicants-accused at least will be in the form of FDR/Bank Guarantee of like amount.

vi) Applicants will furnish affidavit containing address of applicants in country they are visiting, their contact number/mobile phone and valid email address and that they will have no objection in case witnesses are examined in their absence and their counsel will examine the said witnesses on the same date of hearing and applicants-accused will not dispute their identity at any point of time during the trial and afterwards during the examination of said witnesses.

The petitioners are feeling aggrieved by condition No.5 that they shall execute personal bonds in the sum of Rs. 5 lakhs with two sureties each in like amount and one of the surety of both the applicants-accused at least will be in the form of FDR/Bank Guarantee of like amount.

It transpires that the petitioners have not approached the trial Magistrate for modification of the condition by which they are feeling aggrieved and they straightway approached this Court by filing the present petition under Section 482 Cr.P.C.

The present petition is disposed of with direction to the petitioners to approach the Court of JMIC, Chandigarh at the first

instance by moving appropriate application and if the application is rejected then they may take recourse to the other remedy available to them. On such application having been filed within a period of one week from today, JMIC, Chandigarh is directed to decide the same expeditiously.

(H.S.MADAAN)
JUDGE

7.7.2022

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No