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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31769-2022
Date of decision: 30.08.2022

HARJEET KAUR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kanwaljit Singh, Senior Advocate with
Ms. Neha Anand Mahajan, Advocate
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 Cr.P.C.
seeking permission to travel abroad.

Learned Senior Advocate for the petitioner herein would contend that the petitioner herein has been nominated as an accused in an FIR No.0001 dated 04.03.2020 under Section 498-A of the IPC, at Police Station NRI, District SBS Nagar, and the allegations thereunder are patently false. It is submitted that it is a matrimonial dispute between the son of the petitioner and the complainant. The marriage was solemnized as far back as on 28.07.2004 and the FIR came to be registered on 04.03.2020 and the FIR has been registered only as means of causing harassment to the family members. It is submitted that the petitioner is ready and willing to put in an appearance as soon as the trial is likely to start as only the challan has been

presented at the moment. It is further submitted that the petitioner, who is a resident of United State of America, has been in India since 2021 and needs to go back to settle her affairs. He would submit that to ensure her return, the petitioner would furnish immovable property papers of her residential house.

Notice of motion had been issued in the said matter and learned State counsel would submit that the petitioner apart from furnishing immovable property papers pertaining to her residential house ought to furnish an undertaking as well to the effect that in case the petitioner does not put in an appearance after two months, her property will stand confiscated to the State. It is also submitted that PO proceedings have been initiated against the other co-accused i.e. husband of the complainant and the husband of the petitioner, who is the father-in-law of the complainant.

I have heard learned counsel for the parties and taking into account the fact that the trial has not commenced as only the challan has been presented and PO proceedings have been initiated against other co-accused, the instant petition is allowed and the petitioner herein is permitted to travel abroad for a period of two months. The passport of the petitioner be returned to the petitioner herein, who would furnish her immovable property papers in original to the trial Court besides furnishing an undertaking that in case, she does not return within the specified period of two months from the date she exits India, she would have no objection in case the property, which is furnished as security to ensure her return would stand forfeited in favour of the complainant. On furnishing of the said security in the form of immovable property papers along with an

undertaking, the petitioner herein is permitted to travel abroad for a period of two months. It is further stipulated that there will be adequate representation on behalf of the petitioner on each date the matter is taken up by the trial Court.

30.08.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*