

115.

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

CRM-M-43443-2021 (O&M)

Date of Decision: 28.02.2022

SANDEEP KHARB

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. G.K. Mann, Senior Advocate, with
Mr. Gursewak Singh and Mr. Sunil Kumar, Advocates,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CRM-6946-2022

Application is allowed, as prayed for.

Copy of challan Annexure P-8 is taken on record.

CRM-M-43443-2021

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of FIR No.326, dated 26.06.2020, registered under Sections 420/406/34 of IPC and Sections 10, 24 of Immigration Act, 1983 at Police Station Sadar Thanesar, District Kurukshetra (Haryana) and all consequential proceedings arising thereof.

Learned senior counsel appearing on behalf of the petitioner herein would contend false implication by contending that the petitioner is having a travel agency in the name of Sian International Solutions in which

the petitioner sells tickets, book hotels and also arrange tour/travel packages for people. It is inter alia contended that the petitioner herein had only sold the ticket by which the complainant went abroad, whose plea for asylum was ultimately rejected. No fault can be attributed to the petitioner.

Notice of motion.

At this stage, Mr. Vishal Malik, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and contends that the charges have already been framed in the said matter and it is now a matter of evidence as to whether the petitioner herein has any role in duping the complainant of the sums, as claimed.

I have heard learned counsel for the parties and in view of the fact that the matter has been investigated and charges already framed, do not find any ground to quash the FIR at the very outset.

Faced with this, learned senior counsel appearing on behalf of the petitioner would submit that since the petitioner is running a reputed travel agency in Delhi and the proceedings under the FIR are carrying on at Kurukshetra, so personal appearance of the petitioner be exempted on each and every date of the proceedings. It is contended that the petitioner will file an undertaking that he will present himself on any date, as mandated by the trial Court.

In view of the fact that the statement of the complainant already stands recorded and the case is now fixed for the remaining evidence of the prosecution which might take some time, the petitioner, who is represented through counsel, is exempted from personal appearances on the dates, when

his presence is not required. The petitioner will furnish an undertaking to the effect that he will present himself in court on each and every date as mandated by the court so that trial is not stalled in any manner whatsoever.

The petition stands disposed of in the above terms.

(JAISHREE THAKUR)
JUDGE

28.02.2022
sanjeev

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