

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

244

CRM-M-38509-2022 (O&M).

Date of Decision: 11.11.2022.

Parminder Kaur Dhillon

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Gurinder Singh Hayer, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ. J (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, for seeking permission to go to Canada for a period of three months during pendency of FIR No.04 dated 07.04.2021, registered under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, at Police Station NRI, Moga, District Moga.

The petitioner who is 73 years old Canadian Citizen is an accused in the above said FIR that has been registered on a complaint made by one Manpreet Singh Cheema. The said complainant is not related to the petitioner to be a member of the family and is himself an

accused in FIR No.12 dated 25.02.2019, registered under Sections 420, 465, 467, 468 and 120-B of the Indian Penal Code at Police Station NRI, Moga, District Moga, for preparing a forged and fabricated Will of the sister of the petitioner.

The pre-arrest bail was granted to the petitioner vide order dated 02.08.2022 passed in CRM-M-15321 of 2022.

Learned counsel for the petitioner contends that the petitioner being a citizen of Canada and residing there since 1973 needs to travel to Canada to take care of her house. He further contends that the pension of the petitioner also needs to be resumed as the same is likely to discontinue on account of prolonged absence. He contends that the petitioner undertakes to come back on expiry of the aforesaid period of three months. He further submits that the investigation in the case is yet not complete and that petitioner is ready and willing to furnish heavy surety for ensuring her return back to the country.

Learned counsel for the State contends that the petitioner had forged the signatures of Malkeet Singh Cheema to get the FDRs encashed in her favour on 13.04.2018. An apprehension has also been expressed that the petitioner has not given details of her address where she is going to reside while in Canada and that there is possibility of the petitioner absconding from the process of law.

Learned counsel for the petitioner, however, contends that the details of the address where the petitioner is going to reside in Canada during her visit is specifically given in the Memo of parties and it is the same address where she will be putting in and that she is ready

and willing to furnish adequate surety/undertaking as may be required. He further contends that there is no valid basis for the apprehension expressed by the respondents and that as a matter of fact, the FDRs were to be released in favour of either of the survivors and the petitioner being one amongst them, there was no occasion for the petitioner to forge any signatures as she could have sought encashment of the FDRs being a lone survivor.

Article 21 of the Constitution of India, recognizes right to live with dignity as integral to right to life. A mere registration of a case against a person cannot be perceived as suppression of all rights and liabilities. A person cannot be confined in his movement under an apprehension of his likelihood to abscond especially when such apprehension has no tangible basis. Restricting movement of an accused has a direct bearing on his/her mental state. The agony of an accused should not be bred through everyday projection of having committed a crime which is yet to be established. Investigation in the present case is still pending and it is unlikely to be concluded in immediate near future. The formation of prima facie opinion of her involvement is still to be made and likelihood of her not being involved cannot be entirely ruled out at this stage. Denying her the life that she is entitled to may actually cause more harm than good considering her age and social family circumstances.

Be that as it may, taking into consideration that valid circumstances exist necessitating the petitioner to travel abroad and the fact that apprehensions expressed by State can be duly taken care of by

imposing certain onerous conditions, the present petition deserves to be allowed.

The petitioner shall be permitted to travel abroad for a period of 03 months commencing from 29.11.2022 and she shall return back by 28.02.2023. She shall furnish an undertaking and shall also furnish heavy bail bonds to the satisfaction of the Investigating Officer in this regard. The details of the address and the phone numbers in operation in Canada shall also be submitted to the Investigating Officer before her departure. She will report at the Police Station after her return on 28.02.2023 by or before 08.03.2023.

The present petition is allowed in terms of aforesaid directions.

November 11, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No