

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.54341 of 2021 (O&M)

Date of Decision:18.01.2022

(Heard through VC)

Kuljeet Kaur @ Kay Ghoman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

CRM No.1405 of 2022

Application is allowed.

Annexure P-7 is taken on record.

CRM-M No.54341 of 2021

1. By way of this petition filed under Section 482 Cr.P.C., the petitioner seeks an appropriate direction to be issued to the trial court to expeditiously decide his application for release of passport, while seeking further permission to visit Canada for three months.

2. Learned counsel appearing on behalf of the petitioner herein would contend that the petitioner herein has been implicated in an FIR registered under Sections 306, 384, 506, 120-B IPC by complainant Prabhpreet Singh son of deceased Inderpreet Singh Chadha. It is submitted that the petitioner herein was arrested on 27.02.2018 and was subsequently allowed bail on 04.04.2018 by the Sessions Judge, Amritsar. By the said order, she had been directed to deposit her passport with Illaqa Magistrate,

which order was complied with. Subsequent to the presentation of the challan under Section 173 Cr.P.C., the petitioner herein is facing trial, however, she has now moved an application for release of her passport and for permission to visit Canada for a period of three months. It is argued that notice has already been issued on the said application as far back as 10.09.2021 but the same is still pending for final disposal. It is also contended that the co-accused Interpret Singh Anand had also preferred an application for release of passport, however, had withdrawn the said application on 11.11.2021, however, the application filed by the petitioner herein is still pending consideration and in this regard, would rely upon the affidavit furnished by the petitioner as Annexure P-7. The only relief sought is for early disposal of the said application filed for release of passport and for permission to travel Canada for three months.

Notice of motion.

Mr. A.S. Gill, Sr. DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent-State and would submit that the petitioner herein has been nominated as an accused in an FIR under Section 306 IPC and the trial is still to conclude. It is argued that in case the petitioner is permitted to travel abroad, there is every likelihood that she would abscond and would not return to face trial.

I have heard learned counsel for the parties and without going into merit of the case as to whether the petitioner herein is to be allowed release of passport or to travel abroad, deem it appropriate to direct the application to be decided on its own merits, as the said application is pending before the Additional Sessions Judge, Amritsar since 10.09.2021.

The respondent-State is directed to file its reply in the proceedings pending before the Additional Sessions Judge, Amritsar within a period of two weeks, if it has not been done so till date. Let the application so pending before the Additional Sessions Judge, Amritsar be considered and decided as expeditiously as possible and preferably within a period of four weeks from the date of receipt of certified copy of this order.

The instant petition stands disposed of in the above terms.

January 18, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

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