

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

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CRM-M-52981-2022 (O&M)

Date of decision: 16.11.2022

AMAN SOOD

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Akshay Chadha, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this petition is for modification of the order dated 10.10.2022 passed by the learned Additional Chief Judicial Magistrate, Ludhiana, whereby while granting permission to the petitioner to go abroad, a strict condition of depositing a bank guarantee of Rs.25,00,000/- with one surety of the like amount, has been imposed.

Learned counsel for the petitioner submits that the petitioner is facing trial in case bearing FIR No.277 dated 30.06.2021, registered under Sections 420, 120-B, 389, 467, 468 and 471 IPC and Sections 66(C), 66(D) and 75 of the Information and Technology Act, at Police Station Division No.5, District Police Commissionerate, Ludhiana; that the wife of the petitioner is in the process of getting Permanent Residency (PR) in Canada; that the petitioner along with his wife and minor child aged about 6 year, intend to visit Canada and for that purpose, he had moved an application before the Court below; that

vide impugned order, though the petitioner has been granted permission to go abroad for a period of two months from the date of passing of the order i.e. 10.10.2022, yet the earliest flight to Canada is scheduled for 26.11.2022 and thus, the petitioner is not able to avail the benefit of the permission given to him by the trial Court and that an erroneous condition of depositing a bank guarantee of Rs.25,00,000/- along with one surety of the like amount, has also been imposed, which the petitioner is unable to fulfill. He further submits that the petitioner has also preferred CRM-M-24486-2022 for quashing of the FIR in question, in which notice of motion has already been issued.

Learned counsel for the petitioner further submits that though the petitioner has one plot in his name, yet the fact remains that the said plot stands as a security/bonds in compliance with the order granting anticipatory bail to the petitioner. He further submits that the petitioner is not possessed of sufficient means and resources to arrange the Bank Guarantee of Rs.25,00,000/- and hence, prays for reduction in the said amount.

In support of this contentions, learned counsel for the petitioner relies upon an order dated 13.06.2022 passed by a Coordinate Bench of this Court in CRM-M-11762-2022 titled as Sanjeev Kumar Jakhu vs State of Punjab and Another.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG Punjab, accepts notice on behalf of the respondent-State. He, on the instructions from Inspector Jatinder Singh, does not dispute the said fact.

I have heard the learned counsel for the parties.

As notice above, the petitioner has already been granted the permission to go abroad for a period of two months by the learned trial Court though the period commencing from 10.10.2022 itself.

The limited relief sought for by the petitioner is extension of time for his stay abroad and reduction in the amount of bank guarantee. As noticed above, the petitioner has preferred a petition seeking quashing of the FIR and notice of motion has already been issued in the same. As per the learned counsel for the petitioner, the earliest flight to Canada is scheduled for 26.11.2022.

In view of the above, the present petition is disposed of and the impugned order is hereby modified to the extent that the petitioner is permitted to travel abroad for a period of four months w.e.f. 24.11.2022, with a condition to deposit a bank guarantee in the amount of Rs.10,00,000/- with one surety of the like amount, with an undertaking that he will return to India within the stipulated time period. The rest of the conditions, as mentioned in the order dated 10.10.2022 passed by the learned ACJM, Ludhiana, shall remain intact.

16.11.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No