

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58161-2022 (O&M)
Date of decision: 13.12.2022

Vikrant

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of the order dated 29.11.2022 passed by the trial Court in FIR No.118 dated 13.05.2021 under Sections 420, 467, 468, 471, 120-B, 201 IPC and Sections 65, 66, 71 of the Information and Technology Act, registered at Police Station City Pehowa, District Kurukshetra, vide which application filed by the petitioner seeking permission to go abroad for renewal of his Australian visa, which is valid till 17.12.2022 and to pursue further studies from 23.01.2023 to 21.01.2024,

stands rejected as well as the order dated 07.12.2022, vide which the revision petition filed by the petitioner was also dismissed.

Learned senior counsel for the petitioner submits that the petitioner is implicated in the present case on the basis of disclosure statement of co-accused Mohit Guglani that the petitioner, in order to go abroad, has procured certain forged documents. It is further submitted that the petitioner is on bail and is a student, who has to travel to Australia for the purpose of his further studies and for renewal of his visa. It is fairly stated that in order to show his bonafide, the petitioner will deposit a sum of Rs.10.00 lacs with the trial Court/Illaq Magistrate, which will be kept in an FDR, subject to the condition that in case the petitioner did not return to India within the time granted by this Court, the amount of Rs.10.00 lacs stand forfeited to the State.

Learned senior counsel has further submitted that during the period, the petitioner stay abroad to complete his education, his counsel will appear before the trial Court and the charges may be framed, evidence can be recorded in absence of the petitioner and in such eventuality, he will neither dispute the identity of witnesses nor subsequently raise an issue that when cross-examination of the witnesses was conducted, he was not present. It is also submitted that the petitioner has to complete his studies and for that purpose, he has to travel abroad on or before 17.12.2022, when his

Australian visa is going to expire.

Notice of motion.

On asking of the Court, Mr. Deepak Kumar Grewal, DAG, Haryana accepts notice on behalf of the respondent-State and has opposed the prayer on the ground that the petitioner may abscond from the process of law.

After hearing learned counsel for the parties, I deem it appropriate to permit the petitioner to travel abroad till 15.02.2024, with the following directions: -

- (a) The petitioner will deposit a sum of Rs.10.00 lacs with the trial Court/Illaq Magistrate, which will be kept in an FDR.
- (b) The petitioner will submit an undertaking before the trial Court that in case he fail to return back to India on or before 15.02.2024 and appear before the trial Court, the amount of Rs.10.00 lacs shall stand forfeited to the State.
- (c) The petitioner will give complete details of his email ID/mobile phone, to be used in Australia, details of the university, where he is going to study, details of his postal address, where he is going to stay, to the Investigating Officer and in case of any change in any of the details, he will further intimate it to the Investigating Officer.
- (d) The petitioner will mark his presence on mobile phone of the

Investigating Officer/SHO/Incharge of the police station, once in a month.

- (e) The proceedings before the trial Court will continue in absence of the petitioner and his counsel will appear on his behalf, when the charges will be framed or at a subsequent stage, when the prosecution evidence will be recorded and for that purpose, the trial Court will treat the presence of his counsel as presence of the petitioner, who will not dispute identity of prosecution witnesses.
- (f) In case counsel for the petitioner fail to appear on two consecutive dates, bail/surety bonds of the petitioner shall stand cancelled and this order will be recalled.
- (g) Passport of the petitioner will be released by the trial Court/Investigating Officer forthwith on deposit of Rs.10.00 lacs with the trial Court, so as to enable him to travel to Australia on or before 17.12.2022.
- (h) In case the petitioner, during study period, has to come to India, he will again mark his presence before the Investigating Officer and during his period of stay in India, if there is any date before the trial Court, he will appear in person before the Court.

With the aforesaid observations, present petition is allowed and the impugned order dated 29.11.2022 passed by the trial Court is set aside

and permission is granted to the petitioner to travel to Australia till 15.02.2024 and his passport be released forthwith.

13.12.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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