

2023:PHHC:098605

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

**CRM-M-7271-2021 (O&M)
Date of Decision: 01.08.2023**

SWEETY GILL

... PETITIONER

VS.

STATE OF HARYANA AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gourav Jain, Advocate, for the petitioner.
Mr. Ram Kumar Singla, DAG, Haryana.
Mr. Manjit Singh Sarao, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the impugned order dated 09.02.2021 passed by the learned Sub Divisional Judicial Magistrate, Tohana, vide which respondent No.2 was granted permission to go abroad with a direction to return back on or before 15.04.2021.

2. Learned counsel for the petitioner submits that respondent No.2 is the husband of the petitioner and has been arraigned as an accused in the case bearing FIR No. 39 dated 26.01.2020 under Sections 323/406/498-A/506 read with Section 34 IPC registered at Police Station City Tohana, District Fatehabad. The petitioner has assailed the impugned order and in terms of the order dated 16.02.2021, the Coordinate Bench of this Court had stayed the operation of the impugned order. He further submits that though the petition has become infructuous as respondent No.2 was granted permission to go abroad till 15.04.2021 but further submits that subsequently, the respondent No.2 had absented from the proceedings, gone abroad and coercive process is being issued by the learned trial Court to procure his presence.

3. It has been submitted that the only apprehension with the petitioner is to the extent that in the event if respondent No.2 gets bail from the Court and seeks permission to go abroad, the impugned order may not be considered while granting such permission.
4. Suffice is to say that the subsequent conduct of respondent No.2 will also be looked into by the concerned Court in the event he surrenders, gets bail and seeks permission to go abroad at any subsequent stage.
5. Disposed of.

01.08.2023
smriti

(VIVEK PURI)
JUDGE

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