

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

(129)

CRM-M-10511-2023.
Date of Decision:-03.03.2023.

Harish Kumar Banga

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Raminder Singh Dhaliwal, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab, assisted by
ASI Sewa Das.

ALOK JAIN, J. (Oral)

The present petition has been filed for quashing of the orders dated 25.01.2023 and 17.02.2023 (Annexures P-4 and P-6, respectively), whereby, the Courts below have refused the petitioner the permission to go abroad as the petitioner is on bail granted by the Court below on 28.10.2022 (Annexure P-3).

Learned counsel for the petitioner has submitted that the petitioner, in fact, is a permanent resident of New Zealand and he is on visitor's visa of India, which is valid up till 08.03.2023 and in case, the petitioner does not return to New Zealand, the same will entangle the petitioner into more litigation and complicity with regard to his permanent residency in his name.

For the limited purpose, notice had been issued in the present

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case, for which the digital mode of service was exercised.

Mr. S. Sarabjit Singh Hira, Advocate, has put in appearance on behalf of respondent No.2. He has vehemently opposed the prayer of the petitioner.

Learned State counsel, assisted by counsel for the complainant, have further submitted that since the petitioner already has a permanent residency in New Zealand, there is every likelihood of a flight risk and the petitioner not returning back.

Per contra, counsel for the petitioner has fairly and vehemently submitted that the petitioner is not running away from the process of law and, rather, the petitioner came to India after the registration of FIR and has joined the proceedings and has availed the remedies available to him under the law.

After considering the contentions raised by both the parties, I am of the opinion that the petitioner has a right to earn his livelihood, however, since there is serious opposition, the petitioner is put to a stringent condition of depositing an FDR in the name of the respondent-wife for a sum of ₹ 30,00,000/-, which shall remain in possession of the Court below and shall continuously bear interest. The said FDR should be for a period of at least 09 months and in case, the petitioner does not return within 06 months from the date of leaving India, the said FDR, shall be released to the respondent-wife, one week before the expiry of 09 months and the petitioner is permitted to go to New Zealand with a clear direction that he shall return to India on or before 03.09.2023.

In case, the petitioner comes to India, as stated by him, the said FDR shall be returned to him with an acknowledgement to enable him to

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get the same cancelled. This arrangement is only for the purpose to secure the presence of the petitioner and for the culmination of the proceedings initiated before the Courts below. The petitioner is also directed to ensure that he is represented on each and every date by a counsel in the other proceedings between the parties such as under Section 125 of Cr.P.C. or under Hindu Marriage Act, etc., which are pending before the Courts below.

The petitioner is permitted to go to New Zealand subject to the conditions imposed upon in the present order and he shall also abide by the conditions of bail as envisaged under Section 438 (2) of Cr.P.C.

In light of the above, the present petition is disposed of.

(ALOK JAIN)
JUDGE

March 03, 2023.

Sandeep

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