

CRM-M-13933-2023 (O&M)

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

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Date of Decision:-24.03.2023

Gurpreet Sohal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Avtar S. Khinda, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab
assisted by ASI Manohar Lal.

ALOK JAIN, J. (Oral)

CRM-13510-2023

The present application is for preponing of the main case from 18.04.2023, whereby the petitioner has challenged the order dated 03.03.2023 passed by Judicial Magistrate 1st Class, Jalandhar, rejecting the permission to the petitioner to go abroad for 10 days.

Application is allowed and the matter is taken on board today itself.

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The present petition is for quashing of order dated 03.03.2023, passed by the learned Judicial Magistrate 1st Class, Jalandhar (Annexure P-5) in case FIR No. 126 dated 17.10.2022 under Section 376 and 417 of

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Indian Penal Code, 1860, and Section 67 of Information Technology Act, 2002 (Annexure P-1), whereby the application (Annexure P-4) for grant of permission to go abroad (UAE) for ten days has been wrongly rejected.

Learned counsel for the petitioner has argued that the visa of the petitioner is expiring on 27.03.2023 and he has to mark his presence with the employer company wherein he is working as a manager. The said application (Annexure P-4) came to be dismissed by the learned Court below, recording therein that there is every likelihood that the accused will flee from the justice, if allowed to leave the country.

However, a perusal of the petition and annexures demonstrate that the FIR under Section 376 and 417 of IPC read with Section 67 of the IT Act had been lodged against the petitioner. The petitioner while applying for bail specifically stated that he is ready to marry the prosecutrix, as they were in a relationship.

On the above said ground and taking a lenient view, by considering that the petitioner is 25 years old boy and is in custody for last more than almost four months, the petitioner was released on bail vide order dated 09.02.2023 (Annexure P-2). However, subsequent thereto, the petitioner has not made any effort, at least nothing has been mentioned in the present petition that any effort has been made to resolve the disharmony, rather the petitioner has made an earnest effort to leave the country and has filed an application for seeking permission to go to United Arab Emirates.

In light of the above, I do not find any merit in the present petition and any infirmity in the order passed by the Court below, rather the

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conduct of the petitioner is not above board, as he has made earnest effort to leave the country. Therefore, finding no merit in the present petition, the same is dismissed.

The petitioner is further directed to surrender his passport with the Investigating Officer immediately, in case, he wants his bail to subsist and the Investigating Officer is also directed to call the petitioner for compliance of the same, failing which appropriate action in accordance with law be initiated.

(ALOK JAIN)
JUDGE

March 24, 2023
Parul

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