

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(233)

2023:PHHC:075727
CRM-M-16729-2023(O&M)
Date of Decision: 22.05.2023

Sunita Prashar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.S. Jattana, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Ravish Bansal, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for grant of permission to leave the jurisdiction of this Hon'ble court for a period of 30 days so as to visit the terminally ill father of the petitioner who is presently admitted in Royal Columbian Hospital, Fraser Health Authority, East Columbia, New West Minister, BC, Canada in case FIR No.53 dated 13.3.2022 registered under sections 403, 420, 120-B IPC registered at Police Station, Lalru, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that petitioner is a senior citizen and has been falsely implicated in the present FIR. He submits that on account of the family dispute petitioner has been involved in a false and frivolous FIR. It is submitted that after registration of the FIR petitioner has already been granted anticipatory bail and she has duly joined investigation. Counsel submits that father of the petitioner was 90 years of age and he has already died, however, petitioner wants to visit the family. It is submitted that petitioner has ample property in her name in India and thus

there are no chances of the petitioner to escape from the on going trial. Counsel submits that petitioner is ready to abide by the terms and conditions as fixed by this court and hence in the facts and circumstances of the case petitioner may be granted permission to visit her family in Canada on account of death of her father.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner. He submits that there are every chance that petitioner would escape in the guise of visiting her family on account of death of her father.

Learned State counsel submits that father of petitioner namely Sh. Jagdish Bhardwaj has already expired in Canada on 5.4.2023 and his last rites were performed on 16.4.2023 in Canada itself. He submits that as the last rites of the father of petitioner have already been performed, no ground is made out for granting permission to the petitioner to go abroad.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is involved in case FIR No.53 dated 13.3.2022 registered under sections 403, 420, 120-B IPC registered at Police Station, Lalru, District SAS Nagar, Mohali. It is also admitted position that she has been granted anticipatory bail by this court. Though, as per the status report filed by the State, father of petitioner has already expired and even his last rites have also been performed, however, this court cannot ignore the fact that once the death of father of petitioner has taken place and it is confirmed that father of the petitioner was living abroad, the prayer made by petitioner to visit abroad cannot be ignored simply on the ground that she is involved in the aforementioned FIR. Petitioner has been

granted bail by this court and she has duly approached this court for seeking permission to visit abroad.

In view of the above circumstances, this court finds that petitioner has a right to travel abroad subject to the conditions that she would deposit a sum of Rs.5 lakh before the learned Trial Court and would visit Canada w.e.f. 1.6.2023 to 30.6.2023. Along with the above said amount she will also file an affidavit mentioning therein the details of her properties/assets in India. In case the petitioner does not return from Canada by 1.7.2023, the amount deposited by the petitioner would be forfeited. Learned Trial Court would be at liberty to impose the any condition on the petitioner keeping in view the facts and circumstances of the case.

Petition is allowed in the aforesaid terms.

(RAJESH BHARDWAJ)
JUDGE

22.05.2023

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