

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

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**CRM-M No. 17536 of 2023
Date of Decision : 3.5.2023**

*Harjeet Kaur**..... Petitioner**versus**State of Punjab and another**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Kanwaljeet Singh, Senior Advocate with
Mr. Ajaivir Singh, Advocate, for the petitioner
Mr. Harpreet Singh, Addl. AG, Punjab
Mr. Uday Chauhan, Advocate, for respondent no.2/complainant

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking permission to go abroad for a period of two months by the petitioner as she is accused in FIR No.1 dated 4.3.2020 under Section 498-A IPC registered at Police Station NRI, District SBS Nagar.

2. Learned Senior counsel for the petitioner has contended that the petitioner is mother-in-law of respondent no.2/complainant. She has been nominated as an accused in the case on patently false allegations by respondent no.2/complainant/wife. Marriage between the parties was solemnized on 28.7.2004. Thereafter, the husband went to America followed by the complainant/wife. They entered into an agreement to initiate divorce proceedings dated 10.6.2019, in which the petitioner is not a signatory. It is further contended that the FIR has been lodged subsequently on 4.3.2020 on account of matrimonial discord between the complainant and her husband, for which the petitioner/mother-in-law has nothing to do. Besides, there is no allegations either in the FIR nor anything has come on record after the report filed under Section 173 Cr.P.C. against the petitioner. No offence even *prima facie* is made against her.

3. It is submitted that the petitioner has already filed a petition, CRM-M No. 8864 of 2023 titled *Harjeet Kaur v. State of Punjab and another* for

quashing of the FIR in question. This Court has issued notice of motion in the case, and stayed further proceedings *qua* the petitioner before the trial Court. The case is pending at motion stage, and next date of hearing is 11.7.2023.

4. It is further contended by learned Senior counsel that the petitioner is resident of the United States of America (USA), and has been in India since 2021. She needs to go back to the USA for treatment, and the doctor there has given her an appointment for 15.5.2023; as is apparent from the communication from the hospital placed on record (Annexure P-6). The petitioner is ready and willing to furnish adequate security to the satisfaction of the Court to show her *bona fides*. She shall return to India within the period stipulated by this Court.

5. It has also been pointed out that earlier also this Court had granted permission to the petitioner to travel abroad for a period of two months vide order dated 30.8.2022 (Annexure P-4). As a security, she was directed to submit security in the form of original papers of immovable property owned by her to the trial Court, besides furnishing an undertaking that on her failure to return within the stipulated period of two months, she will have no objection in case the property is forfeited in favour of the complainant.

6. It is not disputed that pursuant to the permission granted by this Court vide aforesaid order dated 30.8.2022, the petitioner travelled abroad and returned to India within the time stipulated. After return, she duly appeared before the trial Court and placed on record copies of tickets of her arrival and departure on 24.1.2023, and title documents of the immovable property furnished by her in compliance of the order, were returned to her. These facts stand recorded in the order dated 24.1.2023 passed by the trial Court (Annexure P-5).

7. Learned State counsel as well as respondent no.2/complainant opposed the grant of permission to the petitioner on the ground that there were serious allegations against the petitioner. In case she is granted permission to go abroad, she will not return to India to face trial. The co-accused, her son and husband, have already been declared proclaimed offenders in the case.

8. The submissions made by learned counsel for the parties have been considered. Undisputedly, proceedings of the case before the trial Court have been stayed by this Court *qua* the petitioner. The next date of hearing of the petition for quashing of the FIR before this Court is 11.7.2023. The petitioner ~~duly~~ complied with the conditions imposed by this Court while she was granted

permission to travel abroad vide order dated 30.8.2022, and returned to India within the time stipulated to face trial. The co-accused have been declared proclaimed offenders, but there is no allegation against the petitioner of fleeing the trial. Therefore, it is deemed appropriate to accept the petitioner’s prayer to allow her to travel to the USA for treatment.

9. In view thereof, the petition is allowed, and the petitioner is permitted to travel to the USA anytime now onwards and return to India on or before 10.7.2023, subject to furnishing adequate surety and bank guarantee of Rs.35 lakhs to the satisfaction of the trial Court. The trial Court will be at liberty to impose any other reasonable condition as it deems appropriate. Upon her return to India, the surety/bank guarantee shall be released to her. In case the petitioner does not comply with the conditions imposed by this Court, the bank guarantee and surety shall stand forfeited without any notice to her and the same shall vest with the State Government, and appropriate coercive orders to secure her presence shall follow.

(TRIBHUVAN DAHIYA)
JUDGE

3.5.2023
Ashwani

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