

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19519-2023 (O&M)
Date of Decision:- 28.4.2023

Palwinderjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Bhupinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 20.3.2023 whereby the learned Special Judge, Gurdaspur, has declined his application seeking permission to go abroad.
2. The petitioner stands involved in FIR No.19, dated 11.8.2021, Police Station Vigilance Bureau Range Amritsar, under Section 7 of Prevention of Corruption Act 1988 as amended by Prevention of Corruption (Amendment) Act 2018 and Section 120-B IPC. The said matter is stated to be still under investigation despite a period of about 1 year and 11 months have elapsed. The allegations, in nutshell, against the petitioner are that he had demanded and accepted illegal gratification of Rs.3 lakhs from complainant for the purpose of correcting mutation in respect of his land.
3. The case of the petitioner is that his son is residing abroad and that he wishes to be with the family of his son as the first birthday of his

grand-son is to be celebrated on 02.05.2023. A copy of the birth certificate of petitioner's grand-son is annexed as Annexure P-3.

4. The petition has been vehemently opposed by learned State counsel on the ground that having regard to the nature of allegations, there is strong apprehension that the petitioner may not return back to India. It has further been submitted that since the investigation is still undergoing the same is likely to be hampered on account of absence of the petitioner particularly when the voice samples of the petitioner are still to be taken.
5. This Court has considered the rival submissions.
6. Having regard to the facts and circumstances of the case and the fact that the petitioner wishes to go abroad for 4 weeks only, the petition is accepted and impugned order dated 20.3.2023 is hereby set aside. The petitioner is permitted to go abroad i.e. Canada for a period of 4 weeks. The said period of 4 weeks may be availed by him before 15.6.2023 subject to the following conditions:
 - (i) The petitioner shall not seek extension of the period of his stay abroad on any ground whatsoever except in case of medical emergency and shall return to India by within 4 weeks the day he departs.
 - (ii) The petitioner shall not visit any other country except Canada.
 - (iii) That the petitioner shall deposit FDR to the tune of Rs.50 lakhs before the trial Court which he shall not be entitled to encash without the permission of this Court. The trial

Court shall direct the Branch Manager of the Branch concerned not to entertain any request for encashment of FDR/FDRs except under order of the Court. The said amount shall be forfeited to State in case there is any violation of conditions on the part of the petitioner;

- (iv) The petitioner shall furnish surety of like amount (Rs.50 lakhs) to the satisfaction of the trial Court.
- (v) That the petitioner after availing the aforesaid concession shall inform the trial Court about his return by 20.6.2023. The trial Court shall thereafter order for release of the FDRs, upon being *prima facie* satisfied that there has been no violation of any condition.

7. The petitioner shall furnish personal undertaking as regards willingness to abide by aforesaid conditions, before the trial Court within two weeks from today. Apart from the above mentioned conditions, the Trial Court shall also be at liberty to impose any other condition at the time of accepting undertaking.

28.4.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No