

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

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CRM-M-25439-2023 (O&M)

Date of decision: 29.11.2023

RAHUL SALWAN

....Petitioner

Versus

STATE OF UT CHANDIGARH

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Anoop Verma, Advocate for the petitioner.

Mr. Shashank Bhandari, APP, U.T., Chandigarh.

Mr. Munish Puri, Advocate for the complainant.

HARPREET KAUR JEEWAN , J. (ORAL)

CRM-34783-2023

Prayer in the present application is for placing on record the email received from the office of the petitioner as Annexure P-12.

For the reasons mentioned in the application, the same is allowed.

Annexure P-12 is taken on record subject to all just exceptions.

CRM-46732-2023

On oral request made by learned counsel for the complainant, the present application is taken on Board today.

Prayer in the present application is for placing on record the orders as Annexures R-2/1 to R-2/9 along with reply to the petition by way of affidavit of the respondent-wife.

For the reasons mentioned in the application, the same is allowed.

Reply and Annexures R-2/1 to R-2/9 are taken on record subject to

all just exceptions.

Main case

Prayer in the present petition filed under Section 482 Cr.P.C. is for setting aside the order dated 04.05.2023 (Annexure P-6) passed by Judicial Magistrate, 1st Class, Chandigarh vide which permission was declined to the petitioner to go to London (U.K.) during the pendency of the FIR No.9 dated 15.02.2023 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Sector 17-E Chandigarh.

2. Hon'ble the Apex Court has passed the following order dated 13.10.2023 for expeditious disposal of the present petition in SLP No.13020-13021 of 2023:

“Having heard learned counsel for the petitioner, we see no reason to interfere with the impugned order(s). However, keeping in view the nature of the relief sought for, we request the High Court to dispose of the matter as expeditiously as possible. The Special Leave Petitions are, accordingly, disposed of. Pending application(s), if an, shall stand disposed of.”

3. Reply was filed by complainant/wife-Aakriti by way of her affidavit wherein it was contended that after the marriage, which was solemnized on 30.10.2020, the complainant-wife went to London on 04.02.2021. She came back to India and remained in India from 01.09.2021 to 22.10.2021 on account of the atrocities being committed by the petitioner. However, the petitioner apologized for his mistake. It was submitted that the petitioner is not appearing in a petition filed by the respondent-wife under the DV Act and in a petition filed under Section 125 of the Hindu Marriage Act in Family Court at Pathankot. Apart from this, it was submitted that the petitioner had only appeared after 7 months of

registration of the FIR as such, prayer was made for dismissal of the petition as the petitioner will not come back.

4. Learned counsel for the petitioner contends that the present FIR was registered at the instance of the wife of the petitioner on account of matrimonial dispute between the parties. The allegations in the FIR regarding demand of Creta car and a sum of Rs.40 lakhs, are totally false. The petitioner is working in City Bank Corporation at London, United Kingdom and he is law abiding citizen. He has been granted anticipatory bail in the present FIR and he has joined the investigation on 03.04.2023. In order to comply with the order dated 28.03.2023 passed in the bail application, the petitioner immediately came to India on 31.03.2023 and thereafter joined the investigation. He has also joined the investigation on 17.04.2023 and the Public Prosecutor even stated before the Additional Chief Judicial Magistrate that custodial interrogation of the petitioner is complete, as such considering the said submissions, the order of interim bail dated 28.03.2023 was made absolute.

5. It is contended that prayer made by the petitioner to go back to London (U.K.) to join his duty was declined by the Judicial Magistrate 1st Class, Chandigarh by passing the impugned order as such the petitioner cannot join his duty. The petitioner is working in a reputed company. He undertakes that he shall not change his mobile number and will keep his Geo Satellite location turned on and shall attend the hearing as and when directed by the Court and by the Investigating agency. He further undertakes not to misuse and abuse the liberty of concession granted by the Court. The petitioner is having roots in India as his parents are settled in New Delhi, India. The petitioner is ready to face the trial by raising the aforesaid submissions. Prayer was made to grant the permission for 4

months to visit London (U.K.) to attend his duties.

6. Learned counsel for the complainant submits that the petitioner is not appearing in the other matrimonial cases as such his prayer for going abroad be declined.

7. Considering the contentions raised on behalf of both the parties, this Court is of the considered opinion that visiting to place of work by going abroad cannot be curtailed merely on account of pendency of trial in an FIR in India. However, in order to ensure the return of the petitioner to India and ensuring that he would face the trial, sufficient security can be taken. At the time when the permission was declined by the Magistrate, investigation was still going on and the main ground for dismissal of the application filed by the petitioner was that the investigation was at a nascent stage and physical presence of the accused was required during the investigation. It was further observed by the Magistrate that applicant-petitioner did not produce any document from the employer showing the necessity of his physical presence in London (U.K.). Petitioner has now placed on record copy of email dated 13.07.2023 (Annexure P-12) and alleged that his unpaid leave has been entered w.e.f. 1st July, 2023 by his employer.

8. In view of the aforesaid circumstances, the present revision petition is allowed. The impugned dated 04.05.2023 (Annexure P-6) is set aside. The petitioner is granted the permission to visit London (U.K.) for a period of 4 months subject to following conditions:

1. The petitioner shall furnish his complete address, phone number and email address to the trial Court.
2. The petitioner shall cause appearance in the other matrimonial petitions filed by the respondent-wife

before leaving India.

3. The petitioner shall furnish his personal bond for a sum of Rs.5 lakhs with an undertaking to appear before the trial Court as and when required along with a surety of the equal amount. The petitioner shall also surrender the title deed of the property owned by his father as a surety.
4. Any communication sent to the petitioner on email address furnished by him shall be treated as service of the notice and intimation of the order by the trial Court.
5. The petitioner shall raise a dispute of his identity if the evidence is recorded in his absence.

**(HARPREET KAUR JEEWAN)
JUDGE**

29.11.2023
P.Bhatt

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