

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-25348-2023

Date of decision: 02.06.2023

Arshdeep Singh Ghuman

.....Petitioner

Versus

State of UT Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, A.P.P., U.T. Chandigarh.

Mr. B.S. Sewak, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is praying for setting aside of the order dated 05.05.2023 (Annexure P/5) passed by learned JMIC, Chandigarh in case FIR No.412 dated 22.11.2018 under Sections 420, 408 and 120-B of the IPC registered at Police Station Sector-36, District Chandigarh, vide which his application seeking permission to travel abroad was dismissed.

2. Learned counsel for the petitioner *inter alia* submits that it is a matter of record that the case in hand emanates out of an *inter se* family dispute between the petitioner and his real sister i.e. respondent-complainant qua a 'Will' of their deceased father. Vide order dated 29.03.2023 (Annexure P/2) the petitioner was granted the concession of regular bail by this Court subject to the condition that he would surrender his passport before the Trial Court and would not leave India

without the permission of the Court concerned. Learned counsel submits that in compliance of the above said order, the petitioner had surrendered his passport and thereafter moved an application to travel abroad which was dismissed by the learned Trial Court vide order dated 05.05.2023 (Annexure P/5) with the observations that the petitioner was “a flight risk” coupled with the fact that he had been once apprehended at the airport at New Delhi when he was just about to leave India. Learned counsel has vehemently argued that the observations of the Trial court while dismissing his application for travelling to Canada were clearly erroneous as the FIR in question was registered on 22.11.2018 and it was a matter of record that the petitioner had travelled out of India, thereafter, on multiple occasions. In support, learned counsel has drawn the attention of this Court to para 5 of his petition wherein it stands reflected that the petitioner had travelled as many as 11 times outside India to various foreign destinations including Canada between 01.12.2018 and 30.11.2022. Learned counsel has, therefore, vehemently submitted that in the abovementioned circumstances, there could be no apprehension of the petitioner fleeing away from India for good. It has still further been submitted that the petitioner had been cooperating with the investigation of the case, as and when required. Learned counsel while drawing the attention of this Court to Annexure P/7 which is a “Certificate of Registration as a Realtor” has prayed for permitting the petitioner to travel to Canada for a period of just 03 months else irreparable damage would be caused to him as his Permanent Residency (hereinafter referred to as 'PR') would be terminated. He prays that any

heavy surety be imposed upon the petitioner to secure his return to India after 03 months.

3. Per contra, learned counsel for the State assisted by learned counsel for respondent No.2-complainant, has opposed the prayer of the petitioner by contending that no doubt the parties are closely related, however, there are serious allegations against the petitioner of having forged his father's Will. It has been reiterated that since the petitioner has a 'PR' of Canada, there is every likelihood that he may not return to India, moreso, when the petitioner was once earlier apprehended at the New Delhi Airport pursuant to a Look Out Circular issued against him.

4. On a pointed query put to the learned State counsel qua the stage of trial, he on instructions has submitted that challan stands presented and the case is now fixed for 13.06.2023 for framing of charges.

5. I have heard learned counsel for the parties as well as gone through the material on record.

6. The parties are closely related. The petitioner has been working as Realtor in Toronto since 2019. It is also a matter of record that the petitioner has frequently travelled abroad after the registration of the present FIR, and has always subsequently returned back to India.

7. In view of the above, the instant petition is allowed and the order dated 05.05.2023 is set aside. The petitioner is granted permission to travel to Canada for a period of 03 months w.e.f. 20.06.2023 to 20.09.2023 subject to the following conditions:-

- (i) The petitioner shall furnish a personal bond in the sum of ₹50,00,000/- (Fifty Lakh Rupees Only), and

since the mother of the parties (i.e. petitioner as well as respondent No.2) who is present in the Court today, undertakes to stand surety for the petitioner, she shall furnish surety bonds in the sum of ₹50,00,000/- (Fifty Lakh Rupees Only) by submitting the original title deeds of immovable property owned by her, before the Trial Court.

- (ii) The mother of the petitioner shall also file an affidavit to the effect that in case the petitioner fails to return to India on expiry of 03 months from the date of his departure from India, the amount of surety bonds shall be realised and forfeited to the State, by attachment and sale of her immovable property.
- (iii) The petitioner shall also furnish an affidavit stating therein his complete itinerary including the address where he would be staying in Canada along with his contact number during his stay there, to the Trial court. The petitioner shall also submit a photocopy of his return air ticket to India from Canada along with his affidavit.

8. On return from Canada, the aforementioned conditions imposed upon the petitioner would become inoperative and the petitioner shall continue to be bound by the old bonds and sureties which already stand furnished before the Trial Court.

02.06.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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