

120

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28367-2023

Date of Decision: 02.06.2023

Rishipal

. . . . Petitioner

Vs.

State of U.T., Chandigarh

. . . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Anirush Singh Shera, Advocate
 for the petitioner.

Mr. Vivek Singla, Addl. Public Prosecutor,
for respondent/UT, Chandigarh.

SANJEEV PRAKASH SHARMA, J.(Oral)

Present petition has been filed under section 482 Cr.P.C. for quashing/setting aside the order dated 11.05.2023 (Annexure P-6) passed by Court below whereby the application of the petitioner for travelling abroad was dismissed.

The petitioner by way of this petition prays for granting him permission to travel abroad for pursuing his studies and submitting his thesis as doctoral student in the program of Biomedical Engineering.

It is stated that the petitioner was earlier out for doing his studies during which period he was declared proclaimed offender, whereafter he was arrested while coming back to India and has been granted bail. Application was moved before the trial Court seeking permission to travel abroad for the aforesaid purpose. Letter of Attestation dated 25.04.2023 (Annexure P-9) was produced but the same was not accepted by the learned Judge considering his previous conduct.

Learned counsel submits that the petitioner is required to go to China to submit dissertation which can be submitted only between 02.06.2023 and 07.06.2023, and therefore he may be allowed, otherwise his Doctoral studies would go waste.

Learned counsel appearing for the respondent-U.T., Chandigarh submits that considering the previous conduct of the petitioner, there is likelihood that the petitioner may not appear for facing the investigation.

I have considered the submissions.

The petitioner is an accused in a case under section 498-A IPC. From the letter of attestation dated 25.04.2023, it is apparent that the petitioner was enrolled as a Doctoral student in the program of Biomedical Engineering at China, and he is required to go for submitting his dissertation. The studies are to culminate upto July, 2023.

Taking note thereto, this Court further notices that a lookout notice was issued against the petitioner when he was pursuing his studies in China in relation to case of FIR dated 19.07.2012 registered under section 498-A, 406 and 506 IPC.

After he was bailed out on 27.02.2023, he has been facing investigation. If he is not allowed, the studies which he has undergone would go waste, and in the interest of all, permission be granted to him for the limited period to conclude his studies upto end of July, 2023.

The petitioner shall submit an undertaking as well as surety of a sum of Rs.1,00,000/-, to be present before the Court in the month of August, 2023. Upon submitting such an undertaking and surety, the petitioner shall be allowed to leave for China for submitting his dissertation and completing of his studies.

In view thereof, the order dated 11.05.2023 passed by the learned Court below is hereby set aside.

This petition is allowed.

(SANJEEV PRAKASH SHARMA)
JUDGE

June 02, 2023
mohit

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |