

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

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CRM-M-39767-2023
Date of decision: 29.08.2023

Jaswinder Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Srishti Shukla and
Mr. Kulwinder Singh, Advocates, for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.
CRM-35360-2023

Annexure P-1 is taken on record subject to all just exceptions.

Main case

1. The present petition has been filed under Section 482 Cr.P.C. for modification of order dated 24.07.2023, Annexure P-1, passed by learned Judicial Magistrate Ist Class, Malerkotla, whereby the petitioner was granted permission to travel abroad from 27.07.2023 till 05.09.2023 to meet his daughter with further prayer that the petitioner be allowed to stay abroad till 30.11.2023.
2. Learned counsel contends that though permission to go abroad was sought by the petitioner till 30.11.2023, however, it was

granted only till 05.09.2023. The daughter of the petitioner is in her last/final trimester, regarding which the prescription by Dr. Nicol Basson showing the due date of delivery of her daughter is 29.10.2023. Thus, referring to averments made in para No.2 of the said application to place on record the above document, her daughter is in perilous health condition, which demands urgent care and attention and also that there is no one else to look after her.

3. Affidavit dated 29.08.2023, of Sh.Amarjit Singh, PPS has been filed in Court, which is taken on record. Learned State counsel submits that as per verification of SHO, Police Station Amargarh, the common statement of Amrik Singh, Harmanvir Singh and Charan Singh was recorded on 25.08.2023, Annexure R-1/T, which reads thus:

“We the undersigned jointly declare that Jaswinder Singh Cheema son of Beant Singh is a permanent resident of Village Bir Ahmdabad, Police Station Amargarh, District Malerkotla. His daughter namely Sukhman Cheema wife of Pardeep Singh lives at 53 Rolling Hills Ridge Blackfalds, Alberta (Canada). Jaswinder Singh Cheema along with his wife Harmeet Kaur Cheema went to Canada to meet his daughter Sukhman Cheema on 27.07.2023. They are still living with their daughter in Canada, as the due date of pregnancy of Sukhman Cheema is 29.10.2023.”

4. Considering the peculiarity of facts and circumstances of this case and in the interest of justice, order dated 24.07.2023, Annexure P-1 is modified and petitioner is permitted to stay at abroad till 30.11.2023 subject to the following additional conditions:

i. He shall not visit any other country except Canada, during the said period for which the permission to travel abroad has been granted.

- ii. Copy of this order be sent to the Canadian Embassy.
- iii. He shall surrender his passport within five days of his return.

29.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No