

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

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2023:PHHC:122344

CRM-M-46140-2023

Date of decision: September 15th, 2023

Shri Guru Tshering Ladakhi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Nikhil Chopra, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

The petitioner is seeking quashing of order dated 02.09.2023 passed by learned Judge, Special Court, Fatehgarh Sahib, whereby application filed by the petitioner for modification of order dated 22.08.2023 has been dismissed.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, who is on bail in FIR No.135 dated 15.07.2021 under Sections 406, 420, 120-B of the IPC registered at Police Station Fatehgarh Sahib, had sought permission to go to the U.S.A. with effect from 15.03.2023 to 15.11.2023 for attending an international writing programme at the University of IOWA. The entire expenditure of the trip of the petitioner to the U.S.A. including his programme at the University of IOWA was to be borne and sponsored by the sponsors. However, the trial Court vide order dated 09.08.2023 declined to give him permission to travel to the U.S.A.

Thereafter, the petitioner impugned the order dated 09.08.2023

passed by the trial Court before the learned Revisional Court. Vide order dated 22.08.2023. The Revisional Court granted him permission to travel to the U.S.A., subject to certain conditions. He was permitted to visit the U.S.A. for a period of two months with effect from 24.08.2023 till 23.10.2023. The petitioner moved another application before the learned Revisional Court praying for modification of his travel dates, however, vide order dated 02.09.2023, his application for modification was dismissed by the Court concerned on the ground that it had no power to alter its order in view of the bar created under Section 362 of the Cr.P.C.

3. Learned counsel has vehemently prayed for granting the petitioner another two weeks to return from U.S.A. after completion of his programme at University of IOWA. It has been submitted that the programme was to commence from 15.03.2023. However, he was unable to start his programme on 15.03.2023 as the trial Court declined him permission, as a result of which, he missed out on the initial part of his programme. He has submitted that in case extension of time is not granted till 06.11.2023, when the programme is due to conclude, he would yet again be unable to complete his programme and the entire exercise of travelling to U.S.A. and attending the University would be in vain. It has also been submitted that in compliance of the order of the learned Revisional Court dated 22.08.2023, he has already furnished heavy sureties in the sum of ₹30 lakh and two sureties of like amount. He lastly submits that it is a matter of record that the petitioner has all his business interests in India and hence, there could be no apprehension of he not returning

to India or there being any flight risk.

4. *Per contra*, learned counsel for respondent No.2 while opposing the prayer and submissions made by the counsel opposite, submits that there are serious allegations against the petitioner of having duped the complainant of an amount of about ₹65 lakh. He has submitted that there could be a likelihood that if the petitioner is granted extension of time, he may not return to India to face trial. It has also been submitted that the learned Revisional Court though had allowed the petitioner's application and granted him permission to go to the U.S.A. to attend the programme at the University of IOWA, however, a condition had been imposed therein that he would not seek any extension of time beyond 23.10.2023. A prayer has, therefore, been made for dismissal of the instant petition.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Admittedly, the petitioner is the owner of several business ventures in India. It is a matter of record that the petition has already submitted sureties in the sum of ₹30 lakh and two sureties of like amount, whereas the fraud allegedly committed by the petitioner is of approximately ₹65 lakh. The purpose for seeking extension of time till 06.11.2023 has been satisfactorily explained by the petitioner.

7. In the facts and circumstances, this Court has no hesitation to invoke its inherent jurisdiction under Section 482 of Cr.P.C. and to accept the prayer made by the petitioner for granting him extension of time to return to India after completion of his

programme in the University of IOWA. The petitioner is permitted to travel to U.S.A. from 24.08.2023 till 05.11.2023. He shall positively return to India by 06.11.2023. It is made clear that no further extension of time to return to India shall be granted to the petitioner under any circumstances.

September 15th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No