

CRM-M No.47817 of 2023

2023:PHHC:156780

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

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CRM-M No.47817 of 2023

Date of Decision: 07.12.2023

Parminder Kaur Dhillon**.....Petitioner****Vs****State of Punjab****....Respondent****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Talwinder Singh, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C, prayer has been made for seeking permission to go abroad for a period of six months during pendency of investigation in FIR No.4 dated 07.04.2021 registered under Sections 420, 465, 467, 468, 471 IPC at Police Station NRI Moga, District Moga wherein the petitioner has been implicated as an accused.

[2]. Briefly stating, in the aforementioned FIR, the petitioner along with others was arrayed as one of the accused. Admittedly, the investigation in the said FIR is still pending. The petitioner, who happens to be Canadian citizen intends to visit Canada for a period of six months. On earlier occasion also, the petitioner sought permission from this Court for visiting Canada which was granted vide order dated 11.11.2022 passed in **CRM-M No.38509 of 2022** and the petitioner was permitted to visit abroad for a period of three months commencing from

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29.11.2022 to till 28.02.2023. The operative part of the said order is reproduced hereunder:-

“The petitioner shall be permitted to travel abroad for a period of 03 months commencing from 29.11.2022 and she shall return back by 28.02.2023. She shall furnish an undertaking and shall also furnish heavy bail bonds to the satisfaction of the Investigating Officer in this regard. The details of the address and the phone numbers in operation in Canada shall also be submitted to the Investigating Officer before her departure. She will report at the Police Station after her return on 28.02.2023 by or before 08.03.2023.

The present petition is allowed in terms of aforesaid directions.”

In pursuance thereof, the petitioner came back on 12.04.2023 with some delay on account of certain visa difficulty/problems.

[3]. By way of present petition, petitioner again prays for visiting Canada for a period of six months for treatment of her knee problem, which is convenient for her; she being a Canadian citizen.

[4]. The prayer made by the petitioner has been opposed at the instance of learned State counsel while submitting that the petitioner overstayed her visit on earlier occasion and, therefore, she should not be permitted to visit Canada.

[5]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of the petitioner.

[6]. In the present case, the FIR in question was registered way back in April, 2021 and the investigation is still going on for the past more than 2½ years, whereas the petitioner is an old lady of 73 years of age and she being a Canadian

citizen intends to get her medically treated for her knee problem which is definitely is going to be convenient for her in Canada being citizen of that country.

[7]. As regards the objection raised by learned State counsel *qua* overstay of the petitioner, I do not find substance. The overstay of the petitioner was primarily on account of certain visa difficulty faced by the her due to change of visa rules. Moreover, the petitioner has already deposited two FDRs amounting to Rs.10 lakhs in total with the Investigating Officer and this fact has not been disputed by learned State counsel on instructions from Inspector Tejinder Singh.

[8]. In view of above, the petition is allowed thereby accepting the prayer made by the petitioner, who is permitted to travel abroad for a period of six months commencing from 11.12.2023 and shall return back by 30.06.2024. The petitioner shall furnish an undertaking and shall also furnish heavy bail bonds to the satisfaction of the Investigating Officer in this regard. The details of the address and the phone numbers in operation in Canada shall also be submitted to the Investigating Officer before her departure. She will report at the Police Station after her return on 30.06.2024 by or before 07.07.2024.

December 07, 2023	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No