

CRM-M-49936-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

315

CRM-M-49936-2023

Date of decision: 11.10.2023

Ravinder Singh @ Roopa

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.
Mr. Hakam Singh, AAG, Punjab.

ARUN MONGA, J. (Oral)

Short reply by way of affidavit of Tarlochan Singh, Deputy Superintendent of Police, Rupnagar, District Rupnagar has been tendered in Court in course of hearing, which is taken on record.

2. Present petition has been filed seeking quashing/setting-aside of order dated 04.09.2023 (Annexure P-7), passed by Additional Sessions Judge, Rupnagar whereby application filed by petitioner seeking grant of permission to visit aboard i.e. Rochester Hills, Michigan (USA), in FIR No. 53 dated 02.05.2012 registered under Sections 419, 465, 468, 471 and 120-B IPC at Police Station City Rupnagar, District Rupnagar, has been dismissed.

3. Initially FIR No.116 dated 17.12.2011 under Section 302 read with Section 304 IPC was registered at Police Station Sadar, Rupnagar, against the petitioner and three co-accused with regard to murder of one Maninder Singh. In course of investigation, it was found that the said murder was committed by one Dilawar Khan in connivance with other accused person. A mobile sim card used by accused Dilawar Khan was found to have been issued in the name of petitioner and accordingly present FIR ibid was registered against the petitioner. Allegedly, petitioner did not join investigation despite being asked numerous times as he was living in United Kingdom and was thus declared a proclaimed offender in the FIR No.116 ibid. Subsequently, he was declared PO even in the present FIR. He, however, later surrendered on 09.11.2022. Petitioner was, however, accorded the

CRM-M-49936-2023

concession of bail in both the FIRs by this Court vide orders dated 21.07.2023 and 03.08.2023 passed in CRM-M-34249-2023 and CRM-M-34230-2023 respectively. Thereafter, police filed reports under Section 173 Cr.P.C. in both the FIRs *ibid*.

4. Learned counsel for the petitioner contends that petitioner is seeking permission to go abroad only for eight days only i.e. from 25.10.2023 to 02.11.2023. He submits that when present FIR in question was registered on 02.05.2012, petitioner was abroad. PO proceedings were carried out behind his back in both the FIRs *ibid*. Petitioner has been falsely implicated in the murder case on the basis of extra judicial confession before one Harwinder Singh, who later turned hostile. Elaborating further, learned counsel submits that present FIR No.53 has been registered under Sections 120-B, 419, 465, 468 and 471 IPC against Dilawar Khan, Krishan Ram and present petitioner for allegedly procuring Sim card on the basis of forged and fabricated documents. Furthermore, since other co-accused in the present FIR have already been acquitted by Court below vide order dated 11.04.2016, it does not seem likely that the petitioner will be convicted, and there is a high probability of his acquittal.

4.1. Learned counsel further asserts that the Court below has not taken into consideration material facts while rejecting the application of the petitioner to go abroad. Furthermore, petitioner is a Green card holder of USA and as per the U.S. Citizen and Immigration Services (USCIS), policy manual, a green card holder can leave the United States multiple time and can re-enter, if he does not intend to stay outside USA for one year or more. In case a green card holder then intends to stay outside United States for more than one year, then in that case he must apply for re-entry permit with U.S. Citizenship and Immigration Services prior to leaving the United States. He contends that the said re-entry is generally valid for 02 years from the date of issuance. He further submits that since petitioner came to India in the month of November, 2022 and surrendered in the

present FIR on 09.11.2022 and the said period is expiring on 08.11.2023 and the petitioner has not applied for re-entry permit with USCIS prior to leaving the United States, as such, in case petitioner is not granted permission to go abroad, the Green card issued to petitioner will expire and he will never be allowed to go to United States. As per the itinerary/ticket which has been handed-over in Court today, which is marked as Annexure 'X', learned counsel submits that petitioner shall return to India on 02.11.2023.

5. Per contra, learned State counsel submits that present FIR was registered against the petitioner and his accomplices. He submits that petitioner was earlier declared a proclaimed offender. Furthermore, he submits that petitioner is a permanent resident of United States and there are chances of his fleeing from justice.

6. I have heard the rival arguments and reviewed the case file.

7. Having regard to the fact that petitioner is a green card holder of the United States of America and if he is not permitted to go abroad the petitioner is likely to suffer irreparably loss on account of the fact that Green card issued to him will expire and he will enter not be allowed to enter United States ever.

8. Accordingly, present petition is allowed. Petitioner is allowed to go abroad as per the itinerary/tickets placed on record today i.e. from 25.10.2023 to 02.11.2023. This, however, will be subject to condition that petitioner shall pledge his immovable property in the sum of Rs.10.00 lacs and/or any other condition(s) deemed fit to be imposed by the Court below. Upon expiry of the aforesaid period, needless to say that petitioner shall return to India and report to the Court below.

(ARUN MONGA)
JUDGE

October 11, 2023
Ajay

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