

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

120

CRM-M-60910-2022

Date of decision: 01.03.2023

HARBHAJAN KAUR

..... Petitioner

VS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Tegbir Singh Dhillon, Advocate for the petitioner

Mr.Arun Gupta, AAG Punjab

ALOK JAIN, J. :

The present petition under Section 482 Cr.P.C.has been filed for quashing of order dated 09.09.2022 (Annexure P-4) passed by the learned Sub Divisional Judicial Magistrate, Budhlada, in case FIR No.47, dated 09.05.2016, under Sections 498-A and 406 IPC (Sections 120-B and 376 IPC added later on), registered at Police Station City Budhladha, District Mansa, to the extent of imposition of surety in the shape of FDR to the tune of Rs.10 lakhs imposed by the Court below when the petitioner had prayed for grant of permission to visit Canada for a period of 5 to 6 months.

Learned counsel for the petitioner has fairly submitted that the petitioner is not in a position to furnish surety in the shape of FDR to the tune of Rs.10 lakhs, however, she and her husband, who owns a house in Chandigarh, are ready to keep the original papers of the said house as surety for the period to visit Canada

In the light of the above, the order dated 09.09.2022 is set aside only to the extent that the trial Court shall consider the deposit of the original registered deeds of the house in question along with appropriate

valuation, undertaking and indemnity from the husband of the petitioner and in case the petitioner fails to abide by the conditions and come back to India within six months, the Court shall proceed in accordance with law. In case the trial Court is satisfied with the surety, it may consider granting six months time to the petitioner to travel to Canada and come back.

Present petition is, accordingly, disposed of.

(ALOK JAIN)
JUDGE

01.03.2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No.