

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59318-2023 (O&M)

Date of Decision: 06.12.2023

Sandeep Narula

....Petitioner(s)

Versus

State of U.T, Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Lalli, Advocate, for the petitioner.

Mr. Vivek Singla, APP, U.T, Chandigarh.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for release of the passport of the petitioner for the purpose of visiting Canada for a period of one month in FIR No.0147 dated 28.07.2020, under Sections 420 and 120-B IPC, registered at Police Station Sector 36, Chandigarh.

2. Learned counsel appearing on behalf of the petitioner submitted that the aforesaid FIR was lodged against the petitioner and the subject matter of the dispute was only about Rs. 2,00,000/- and the allegations were that the money was taken by the petitioner in the year 2019 and the complainant was to be sent abroad but the same was not done and the money was also not returned. He submitted that in fact now the matter has already been compromised between the parties and a separate petition bearing CRM-

M-45763-2023 has been filed by the parties for quashing of the FIR based upon compromise and submitted that the police has also not presented challan as yet. He submitted that he has filed an application before the learned trial Court but the trial Court did not permit the petitioner to go abroad on the ground that earlier the petitioner had not appeared and non-bailable warrants were issued against him and thereafter an LOC was issued and he was arrested from the airport. He submitted that since the matter itself has been compromised between the parties and the subject matter itself has extinguished and the present is an FIR only under Sections 420 and 120-B IPC, the right conferred upon the petitioner to travel abroad for a period of one month to meet his family members cannot be curtailed in view of Constitutional Bench judgment of Hon'ble Supreme Court in *Maneka Gandhi Versus Union of India and another, 1978 (1) SCC 248*. He also submitted that even as per the police itself, there are total 9 complaints against the petitioner including the present complaint and all the complainants have been paid back the entire money and the matter has been compromised. He submitted that the petitioner is no longer in the business of immigration and he has already closed the aforesaid business long time ago and the reason as to why LOC was issued against the petitioner was that in the year 2020 when he was abroad due to COVID-19 pandemic, he could not come back, which was therefore beyond the control of the petitioner. He also submitted that he has specific instructions to state that the petitioner will stick to the schedule given by this Court of one month and undertakes to return back immediately on the expiry of period of one month.

3. Mr. Vivek Singla, learned APP, U.T, Chandigarh has submitted that so far as the stage of the present FIR is concerned, the same is still at

investigation stage and till date challan has not been presented. He submitted that he also has instructions to state that the matter has been compromised between the parties because a separate petition has been filed for quashing of the FIR on the basis of compromise. He also submitted that so far as the remaining 8 complaints against the petitioner are concerned, in that the money has been returned by the petitioner.

4. In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner is permitted to visit Canada for a period of one month only. For the aforesaid purpose, the I.O of the case is directed to release the passport of the petitioner. On coming back from Canada the petitioner will again immediately submit his passport to the I.O. The petitioner shall in any case return back before the month of April, 2024 and his time schedule for visit abroad shall not exceed one month.

5. The petitioner is also directed to deposit an amount of Rs.1,00,000/- before the learned trial Court in the shape of a fixed deposit as a security, which shall be refunded back to the petitioner after he comes back from Canada.

06.12.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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