

2024:PHHC:026568
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9520-2024 (O&M)
Date of Decision: 26.02.2024

GURINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Deepak Singh Saini, Advocate with
Mr. Lovejeet Poonia, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Sandeep Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-8887-2024

1. The present application has been filed for placing on record copy of order dated 05.09.2022 (Annexure P-10) vide which the petitioner was granted interim bail to join the investigation and order dated 18.01.2023 (Annexure P-11) vide which the interim bail was confirmed by this Court and also the details of properties owned by the petitioner.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexures P-10, P-11 and the details of properties owned by the petitioner is taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

1. The present petition has been filed under Section 482 Cr.P.C. for

quashing/setting aside the order dated 18.04.2023 (Annexure P-7) passed by the Judicial Magistrate 1st Class, Mohali; order dated 07.06.2023 (Annexure P-8) passed by the Additional Sessions Judge, Mohali and order dated 08.02.2024 (Annexure P-9) passed by the Chief Judicial Magistrate, Mohali, whereby the permission has been declined to the petitioner to go abroad during the pendency of the proceedings in FIR No.146 dated 26.07.2022 registered under Section 376 IPC at Police Station Phase-1, SAS Nagar, Mohali.

2. Reply on behalf of respondent No.2 has been filed in Court today, which is taken on record. As per the reply, the investigation is pending, challan has not been presented and cognizance is yet to be taken by the trial Court and in case the permission is granted to the petitioner to go abroad, it would be difficult to call back the petitioner.

3. Learned counsel for the petitioner contends that the petitioner was granted the concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 18.01.2023 and his custodial interrogation was not required. He further contends that the petitioner is a professional player and he has been playing cricket for the last 15 years and also playing Ranji Trophy since 2010 for the State of Punjab and Chandigarh as per certificates Annexures P-3 and P-4 respectively. He submits that even the Investigating Agency has filed cancellation report in the FIR No.146 dated 26.07.2022 registered against the petitioner. He further submits that the petitioner intends to travel United Kingdom w.e.f. 19.04.2024 to 15.07.2024 and has received sponsorship letter from Smithwick Cricket Club pertaining to the cricket season of 2024.

4. I have considered the facts and circumstances of the matter. The petitioner has a right to visit abroad though subject to conditions to ensure his

return till the proceedings are culminated in the FIR. As such, the present petition is allowed. The impugned orders dated 18.04.2023 (Annexure P-7), 07.06.2023 (Annexure P-8) and 08.02.2024 (Annexure P-9) are set aside. The petitioner is permitted to visit United Kingdom w.e.f. 19.04.2024 to 15.07.2024 subject to the following conditions:-

- (i) That the petitioner shall furnish his complete address, phone number and e-mail address, where he will live in the United Kingdom during this period.
- (ii) the petitioner shall furnish a personal bond in the sum of Rs.5 lakhs with one surety in the same amount of his family member to the satisfaction of the learned trial Court/Duty Magistrate concerned and a charge would be created upon the following properties to the extent of the share of the petitioner;
 - (a) House No.B03 287/1, Shivalik Vihar, Block S, Naya Gaon, Tehsil and District SAS Nagar (Mohali) [2 Storey house measuring 6.97 Marlas]= owner of 50%.
 - (b) House No.75, M-Block, Shivalik Vihar, Naya Gaon, Tehsil and District SAS Nagar (Mohali), measuring 16.66 marlas-owner of 50%.

The said charge will be till the period of absence of the petitioner from India.

(HARPREET KAUR JEEWAN)
JUDGE

26.02.2024

P.Bhatt

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