



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

CRM-M-11579-2024

Date of Decision: 11.07.2024

Sadhu Singh Randhawa

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Tushar Madaan, Advocate and
Ms. Amandeep Kaur, Advocate, for the petitioner.
Mr.Karunesh Kaushal, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for granting permission to the petitioner to visit abroad/Canada w.e.f. 20.05.2024 to 20.07.2024. Further payer has been made to release the passport of the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner is facing trial in a case FIR No.55 dated 07.06.2016 registered under Sections 406, 420, 465, 468, 471, 120-B IPC at Police Station Phase 8, District SAS Nagar Mohali and he was granted regular bail by this Court vide order dated 31.08.2016 passed in CRM-M-26319-2016, wherein, he was directed not to leave India during the pendency of the trial and was also directed to deposit his passport with the trial Court. He has submitted that the petitioner impugned the said FIR before this Court by way of filing of CRM-M-9522-2017, which is pending adjudication before this Court. He has submitted that earlier petition bearing No.CRM-M-12304-2021 filed by the petitioner with similar prayer was withdrawn by him on 14.07.2022. As the petitioner got a valid Canadian visa and thereafter, he approached the trial Court for granting him permission to go abroad, but the same was



declined on 19.12.2022. He submits that thereafter, the petitioner filed CRM-M-930-2023 for granting him permission to go abroad and this Court vide order dated 16.02.2023 permitted the petitioner to go abroad till 31.03.2023 subject to his furnishing complete details of his contact and place, where he would like to reside during his foreign visit before learned Illaqa Magistrate concerned and it was also directed that he would report to the Police Station within a period of one week from his return to India. The petitioner was also directed to furnish a heavy surety to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned. It is submitted that daughter of the petitioner is living in Canada and he wants to go there to meet his daughter. He has further submitted that the petitioner is retired as Director Public Instructions, Punjab and has undertaken to abide by the terms and conditions of the order, if any passed by this Court while granting him permission to go abroad. He has submitted that in pursuance to the order dated 16.02.2023, the petitioner was allowed to visit Canada and he came back to India and abide all the terms and conditions of the order passed by this Court. He has further prayed that although the dates of visit prayed for have already gone, so the petitioner may be permitted to visit abroad for two months from August, 2024.

3. On the other hand, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that although the petitioner had returned to India after meeting his daughter on earlier occasion in view of the terms and conditions of permission granted by this Court, yet he cannot be permitted to visit Canada time and again on the same pretext to meeting his daughter as he is facing prosecution in a



criminal case and as such he should be directed to remain in India and participate in the proceedings pending before the trial Court.

4. Heard.

5. After hearing learned counsel for the parties and perusing the record, this Court is of the view that on the earlier occasion, the petitioner has not violated any term or condition imposed by this Court while permitting him to visit abroad vide order dated 16.02.2023. The petitioner who is an aged person and a retired employee has expressed his willingness to meet his daughter, who is living in Canada and his desire cannot be termed as illegal or illogical when he is ready to abide by the terms and conditions of the order in case his prayer is accepted. Thus, the present petition is allowed and permission is granted to the petitioner to visit Canada w.e.f. 15.08.2024 to 15.10.2024. The petitioner will return back to India by 17.10.2024. Permission granted herein shall be subject to deposit of Rs.10 lacs with the trial Court as per terms and conditions to be decided by it.

6. The petitioner shall also file an affidavit before the trial Court mentioning therein the name and particulars of the authorized person attorney holder who would be appearing on his behalf for attending the Court proceedings during the above said period. He shall also mention therein that he will have no objection to the recording of evidence and continuation of proceedings in his absence but in the presence of his attorney/authorized person and counsel. The petitioner shall also undertake to immediately appear and join the proceedings before the trial Court within 10 days of his arrival in India.



- 7. The trial Court is free to impose any other condition which it deems appropriate keeping in view the facts and circumstances of the present case.
- 8. After landing in India, the petitioner shall inform the trial Court by moving an appropriate application regarding his arrival within a period of 10 days from the date of his arrival.
- 9. The trial Court is also directed to release his passport after compliance is made by the petitioner.
- 10. Petition stands allowed in abovesaid terms.

11.07.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No