

2024:PHHC:071802



CRM-M-11876-2024 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(286)

CRM-M-11876-2024 (O & M)
Date of Decision: 21.05.2024

Sh. Raj Kumar

... Petitioner

Versus

State of Haryana and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.S. Saini, Advocate,
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vijay Lath, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 26.05.2022 (Annexure P-6) passed by the Additional Sessions Judge, Ropar vide which the revision petition of the petitioner against the order dated 19.01.2022 (Annexure P-4) vide which the application of the petitioner seeking permission to go abroad and release his passport has been declined by the Judicial Magistrate Ist Class, Anandpur Sahib during the pendency of the case bearing DDR No.25 dated 29.11.2020 under Sections 323, 341, 506, 148 and 149 IPC and Section 13-A of the PB. Village Common Land Act, 1961, Police Station Sri Anandpur Sahib, Distt. Ropar (Annexure P-2) registered against the petitioner as a cross-case in case FIR No.181 dated

2024:PHHC:071802



CRM-M-11876-2024 (O & M)

::2::

29.11.2020 under Sections 323, 341, 506, 148 and 149 IPC (Annexure P-1) registered at Police Station Sri Anandpur Sahib, Distt. Ropar.

2. The brief facts of the case are that an FIR No.181 dated 29.11.2020 under Sections 323, 341, 506, 148 and 149 IPC, Police Station Sri Anandpur Sahib, Distt. Ropar, came to be registered at the instance of the petitioner-side. A cross-case bearing DDR No.25 dated 29.11.2020 under Sections 323, 341, 506, 148 and 149 IPC and Section 13-A of the PB. Village Common Land Act, 1961, Police Station Sri Anandpur Sahib, Distt. Ropar (Annexure P-2) came to be registered against the petitioner party.

3. As the petitioner was working with the Merchant Navy, he moved an application seeking permission to travel abroad which came to be dismissed by the Court of Judicial Magistrate Ist Class, Anandpur Sahib vide order dated 19.01.2022 (Annexure P-4).

4. The petitioner filed a revision petition against the aforementioned order which also came to be dismissed by the Court of the Additional Sessions Judge, Ropar vide order dated 26.05.2022. A copy of the said order is attached as Annexure P-6.

5. The aforementioned orders dated 19.01.2022 and 26.05.2022 (Annexures P-4 and P-6 respectively) are under challenge in the present petition.

6. The learned counsel for the petitioner contends that the present case is one of a version and cross-version. The petitioner was an employee of the Merchant Navy and it was in those circumstances that he



CRM-M-11876-2024 (O & M)

::3::

had sought the permission to travel abroad. He was ready and willing to furnish any surety to allay the apprehensions of the complainant party that he would not return back to face Trial. He, therefore, prays that the impugned orders (Annexure P-4 and P-6 respectively) be quashed and permission be accorded to the petitioner to travel abroad.

7. The learned counsel for the State contends that it was a case of version and cross-version. Charges stood framed against the petitioner and his co-accused. Permission could be accorded to the petitioner to travel abroad on the imposition of certain conditions.

8. The learned counsel for the complainant, however, contends that the petitioner ought not to be granted the permission to travel abroad.

9. I have heard the learned counsel for the parties.

10. During the course of the instant proceedings, the petitioner has brought on record the documents to show that he is the owner of property at Anandpur Sahib. The said fact has been verified by the State. Charges already stand framed. The evidence in the cases can be certainly recorded in the absence of the petitioner subject to an undertaking being furnished by him. In fact, as he is a contractual employee in the Merchant Navy, he would suffer irreparable harm, in case, he is not granted the permission to travel abroad and join the ship.

11. In view of the aforementioned discussion, I deem it appropriate to order to release the passport of the petitioner enabling him to travel abroad subject to the following conditions:-

2024:PHHC:071802



CRM-M-11876-2024 (O & M)

::4::

(i) The petitioner shall deposit the original documents/ownership papers of residential plot measuring 20 Marlas under Khatoni No. 735, Khasra No.2//21/1 situation at Village Jhinjari, Tehsil Anandpur Sahib, Distt. Rupnagar (Punjab), (ii) agricultural land measuring 33 Kanals 04 Marlas under Khatoni No.311, 254, 310, 316, 262, 563, 314, 312, 301, 315, 317, 31, 33, 383, 384, 385, 387, 102, 105, 108, 109 and 28 situated at Village Mindwan, Tehsil Anandpur Sahib (District Rupnagar, Punjab) and (iii) commercial Booth No.63, 64 Near Bus Stand, Sri Anandpur Sahib, Tehsil Sri Anandpur Sahib, Distt. Rupnagar, Punjab, with the Trial Court.

(ii) The Revenue Authorities would make an entry in the record that this property cannot be sold during the pendency of the Trial.

(iii) The petitioner shall deposit an FDR of Rs.10 lacs with the Trial Court which shall stand forfeited if he does not join proceedings if and when require to do so in accordance with law.

(iv) The petitioner shall furnish an undertaking that the evidence can be recorded in his absence and he would not dispute his identity.

(iv) The petitioner shall furnish an undertaking that he shall return back to India if and when require to do so in accordance with law.

12. The present petition stands disposed of in the aforementioned terms.

(JASJIT SINGH BEDI)
JUDGE

May 21, 2024
sukhpreet

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