



CRM-M-16405-2024 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(254)

CRM-M-16405-2024 (O & M)
Date of Decision: 30.05.2024

Resham Lal Loey @ Resham Lal

... Petitioner

Versus

State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arun Takhi, Advocate,
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Mr. J.S. Sekhon, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for the issuance of directions to the investigating officer to release the passport of the petitioner surrendered in case FIR No.107 dated 14.07.2022 under Sections 420, 465, 468, 471 IPC and Section 120-B IPC (added later on) registered at Police Station Sadar, Hoshiarpur and grant necessary permission to him to travel to Germany.

2. The brief facts of the case are that FIR No.107 dated 14.07.2022 under Sections 420, 465, 468, 471 IPC and Section 120-B IPC (added later on), Police Station Sadar, Hoshiarpur came to be registered at the instance of the complainant-Jaswinder Kaur Loey.



CRM-M-16405-2024 (O & M)

::2::

3. The petitioner sought the concession of anticipatory bail and this Court vide order dated 02.02.2024 (Annexure P-5) granted interim bail to the petitioner subject to certain conditions. The aforesaid order is reproduced hereinbelow:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.107 dated 14.07.2022 under Sections 420, 465, 468, 471 IPC and Section 120-B IPC (added later on) at Police Station Sadar, Hoshiarpur, District Hoshiarpur.

The learned counsel for the petitioner inter alia contends that the co-accused/Baljinder Singh Bains has been granted the concession of anticipatory bail vide order dated 13.12.2023 (Annexure P-11).

Notice of motion for 20.03.2024.

Mr. Kirat Singh Sidhu, DAG, Punjab, present in the Court, accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade



CRM-M-16405-2024 (O & M)

::3::

him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing”.

4. Pursuant to the joining of investigation by the petitioner, the interim order was made absolute vide order dated 20.03.2024 (Annexure P-6). The said order is reproduced hereinbelow:-

“The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.107 dated 14.07.2022 registered under Sections 420, 465, 468, 471 IPC and Section 120-B IPC (added later on) at Police Station Sadar, Hoshiarpur, District Hoshiarpur.

Mr. J.S. Sekhon, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. The same is taken on record.

The learned counsel for the petitioner submits that in compliance of the order dated 02.02.2024, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

The learned State counsel on instructions admits the aforesaid fact and submits that the petitioner is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 02.02.2024 is made absolute. However, the petitioner



CRM-M-16405-2024 (O & M)

::4::

shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.”

5. Thereafter, the instant petition came to be filed.
6. The learned counsel for the petitioner contends that the dispute, if any was of Rs.1,00,000/- only. The petitioner was the owner of landed property at Hoshiarpur worth crores of rupees in his name and also had an ancestral house in which his old-aged mother was residing in village Bilaspur, District Hoshiarpur. As the petitioner was ready and willing to furnish any undertaking required, directions be issued to the investigating officer to release the passport of the petitioner and permission be granted to him to travel to Germany subject to any conditions that this Court thinks fit.
7. The learned counsel for the State has filed a short reply dated 28.05.2024 which is taken on record. He alongwith the learned counsel for complainant, on the other hand, contend that the petitioner ought not not be granted the permission to travel abroad as there was every likelihood that he would not come back to face the Trial. However, the factum of ownership of property by the petitioner is not denied.
8. I have heard the learned counsel for the parties.
9. During the course of the instant proceedings, the petitioner has brought on record documents to show that he is the owner of 04 acres of land in his own name and about one acre of land stands in the name of



CRM-M-16405-2024 (O & M)

::5::

his wife-Balwinder Kaur. In addition, the petitioner is the owner of an ancestral house in village Bilaspur, District Hoshiarpur where his old-aged mother/Jit Kaur is residing. The ownership of the properties has been verified by the State counsel. The evidence in the case can certainly be recorded in the absence of the petitioner subject to an undertaking being furnished by him. In fact, he would suffer irreparable harm in case he is not granted the permission to travel abroad as he is a resident of Germany for the last 40 years and is running a restaurant business.

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

- (i) The petitioner shall deposit the original documents/ownership papers of 04 acres of land which is in his own name and about 01 acre of land which is in the name of his wife-Balwinder Kaur as per Jamabandies of Village Bilasplur, Nangal Shahindan and Singhpur, District Hoshiarpur and ancestral house in Village Bilaspur, District Hoshiarpur where his mother/Jit Kaur is residing, with the Trial Court.*
- (ii) The Revenue Authorities would make an entry in the record that these properties 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 required to do so in accordance with law.*



CRM-M-16405-2024 (O & M)

::6::

- (iv) The petitioner shall furnish an undertaking that the evidence can be recorded in his absence and he would not dispute his identity.
- (v) The petitioner shall furnish an undertaking that he shall return back to India if and when required to do so in accordance with law.

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

(JASJIT SINGH BEDI)
JUDGE

May 30, 2024
sukhpreet

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