



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

CRM-M-19494-2024 (O&M)

Date of Decision : 15.07.2024

PARAMJIT KAUR ALIAS PARAMJIT KAUR MANN

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Madhur Singh, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Salil Bali, Advocate,
for applicant/respondent no.2.

KULDEEP TIWARI, J.(Oral)

CRM-27772-2024

Application is allowed, subject to all just exceptions, and the
the short reply alongwith order dated 20.11.2023 as Annexure R-2/1, are
taken record.

CRM-M-19494-2024

1. Through the instant petition, prayer is made for setting aside
the order dated 13.02.2024 (Annexure P-1), passed by the SDJM, Zira, in
complaint case bearing No.365, dated 26.11.2011, under Sections 406,
408, 409, 420, 471, 511, 120-B, 148 and 149 of the IPC, whereby, an
application preferred for permission to go abroad was declined.

2. Learned counsel for the petitioner, submits that the petitioner is a permanent resident of Canada, and has taken various loans there, including house loan, which she needs to return. He further submits that the petitioner has to take care of her house there, as because of the continuation of trial in the instant FIR, she could not visit Canada since 15.07.2023.

3. He also submits that the application, so preferred by the petitioner, was dismissed by the learned trial court concerned, primarily on the ground that the petitioner was earlier declared as a proclaimed offender, and she did not cause appearance for more than 8 years, and therefore, in case permission is granted to her, to travel abroad, she may not return back.

4. He, in additional submits that, earlier the co-accused, who is the brother of the present petitioner, also preferred an application for the same relief, which was allowed by this Court, vide order dated 20.11.2023.

5. He over and above, submits that in pursuance to the order (*supra*), the brother of the petitioner, who is a co-accused, visited Canada and returned back within the time frame. Therefore, the apprehension raised by the learned trial court concerned in the case of present petitioner, does not have any substance.

6. Upon notice Mr. Salil Dev Singh Bali, Advocate, has caused appearance on behalf of respondent no.2, and has filed a short reply.

7. As per the reply (*supra*), the objection taken therein, that the petitioner does not have any landed property in India, therefore, there is all likelihood that she will not return to India, whereas, the co-accused who is the brother of the petitioner, has landed property, in lieu of which he was granted permission to go abroad.

8. *Per contra*, learned counsel for the petitioner in opposing the aforesaid submission of learned counsel for the respondent no.2, submits that the brother of the petitioner is having 9 acres of land, and the petitioner is ready and willing to pledge the property belonging to her brother, as a security which was found sufficient by the learned trial court concerned, earlier granting permission to his brother and, the brother of the petitioner is also ready to furnish a specific affidavit in this regard.

9. This court has heard learned counsel for the parties concerned, and have gone through the case file.

10. Considering the fact that the petitioner is a permanent resident of Canada, and she was not able to visit Canada on account of pendency of the instant trial, and she has to return the loan taken by her there, coupled with the fact that brother of the petitioner is read to furnish a specific affidavit *qua* pledging of his property as a security, this Court deems it appropriate to grant permission to the present petitioner to visit Canada for a period of four months, w.e.f. 22.07.2024 to 22.11.2024.

11. As a sequel to the observations and undertakings recorded in the preceding paragraph, the instant petition is **allowed** and the impugned order is **set aside**. Subject to the petitioner furnishing the security

(*supra*), besides furnishing two local sureties *qua* her return from Canada, thereupon, the learned trial Court concerned is directed to release the passport of the petitioner, for thereby, enabling her to visit Canada w.e.f. 22.07.2024 to 22.11.2024. Moreover, the trial shall continue to proceed in the absence of the petitioner, and in the presence of his counsel. If the conditions (*supra*), are fulfilled, the petitioner shall visit Canada between the period (*supra*) and shall positively return to India upto 22.11.2024. Upon her return, she shall get her presence marked before the learned trial Court on dated 23.11.2024 and shall redeposit his passport.

July 15, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No