

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.121

CRM-M-19512-2024
Date of decision:24.04.2024

Mukhtiar Singh Dhillon

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 482 Cr.P.C. with a prayer to quash the order dated 06.04.2024 (Annexure P-5) passed by the Judicial Magistrate 1st Class, Ajnala, whereby an application filed by the petitioner, seeking permission to visit Canada, has been dismissed.
2. Learned counsel for the petitioner contends that initially one FIR No.231 dated 26.11.2022 under Sections 323/325/452/506/148/149 IPC was ordered to be registered against the present complainant side on the statement of Mandev Singh. On the next day, one DDR No.21 dated 27.11.2022 under Sections 452/323/325/506/148/149 IPC was ordered to be registered against the petitioner. The petitioner applied for grant of anticipatory bail before the Additional Sessions Judge, Amritsar and vide order dated 18.10.2023 (Annexure P-1), the petitioner was granted anticipatory bail. After concluding the investigation, a final report under

Section 173 Cr.P.C. has already been presented before the trial Court and

now the matter is fixed on 03.05.20024 for framing of charges against the present petitioner. Learned counsel next submits that Satnam Kaur, daughter of the petitioner, is residing at Canada and is working as a Licenced Practical Nurse in Canada and she is a permanent resident there. Learned counsel further contends that the daughter of the petitioner is pregnant and the baby shower ceremonies are fixed on 28.04.2024 and the expected date of delivery is on 24.05.2024. The daughter of the petitioner has also sent an invitation (Annexure P-3) to the petitioner and the petitioner is also having a valid Visa for visiting Canada in his favour till 31.01.2031. Learned counsel also submits that application filed by the petitioner was wrongly ordered to be dismissed by the trial Court.

3. On an advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab has put in appearance on behalf of the respondent-State and vehemently opposed the submissions made by the learned counsel for the petitioner and submits that in case the petitioner is allowed to leave the country, the trial may be delayed and the next date of hearing before the trial Court is fixed on 03.05.2024 for framing of charges.

4. I have heard the learned counsel for the parties and perused the case file.

5. It is not disputed that Satnam Kaur, daughter of the petitioner, is a permanent resident of Canada and is working as a Licenced Practical Nurse in Canada. As per the official invitation (Annexure P-3), the daughter of the petitioner is pregnant and the expected date of delivery is on 24.05.2024. The petitioner, being father, wants to visit Canada for providing moral support to his daughter after the delivery of child.

6. In view of the above, the present petition is allowed. The petitioner is permitted to visit Canada for a period of six weeks subject to his furnishing an undertaking before the trial Court that he shall surrender his passport after expiry the period of six weeks. The petitioner may leave the country on 04.05.2024 and he shall surrender his passport personally before the trial Court on 15.06.2024. The petitioner is directed to furnish two heavy surities before the trial Court and shall also file an affidavit before the trial Court that he shall personally surrender his passport before the trial Court on 15.06.2024 and he shall have no objection in case the proceedings are held in his absence before the trial Court and in the presence of his counsel. The trial Court would be at liberty to impose any other condition as it deem fit and appropriate, keeping in view the peculiar facts and circumstances of the present case.

7. Needless to observe that the petitioner shall remain present before the trial Court on 03.05.2024. Petition is allowed in the above terms.

24.04.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO