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

CRM-M-20989-2024

Date of decision: 29.04.2024

Sonal

....Petitioner

Versus

U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, Addl.P.P.,
for respondent No.1-U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 30.03.2024 passed by the learned Judicial Magistrate 1st Class, Chandigarh (Annexure P-7) and order of even date (Annexure P-8) in case bearing FIR No.77 dated 14.10.2022 under Sections 406/498-A of IPC registered at Women Police Station District Chandigarh.

Learned counsel for the petitioner *inter alia* contends that the manner in which the learned trial Court has granted the permission to respondent No.2 to go abroad is not sustainable in the eyes of law. It is further contended that no offer letter or contract is available on record to indicate that respondent No.2 is Sailor by profession and he is required to join his employer. Further, the conduct of respondent No.2 is such that he is not entitled to attain permission to travel abroad. Earlier, he had left the country and a look out circular has been issued against him and he has been arrested from the

International Airport, New Delhi when he was about to leave the country. It is further contended that respondent No.2 has not paid even a single penny towards arrears of maintenance to the petitioner.

The learned State counsel also supports the arguments advanced by learned counsel for the petitioner and submits that only surety to the tune of Rs.5 lakh has been imposed upon the respondent. As such, he is at least required to be directed to furnish a hefty surety to dispel the apprehension of the petitioner that respondent No.2 would not submit himself to the process of law.

Having heard learned counsel for the parties and after perusal of the record, it transpires that the respondent is employed as Sailor in Merchant Navy Company. Charges have already been framed. The learned Court below has considered the case in light of the facts and circumstances of the case. It has been observed by the learned Judicial Magistrate 1st Class, Chandigarh that respondent No.2 used to work with an authorized Company and he has to travel abroad for long duration as per the requirement of his job. After obtaining bail, he has been regularly appearing before the learned Court below, however, he is unable to earn anything from the last one year and is totally dependent upon his mother's pension. It has been further observed that respondent No.2 is even unable to afford the litigation expenses and he is not in a position to pay any maintenance to the petitioner and his child. On these grounds, respondent No.2 was granted permission to leave the country and join his job in Merchant Navy. The learned Court below has granted time till 01.08.2024 by imposing certain conditions.

In today's globalised world, mechanical denial of permission to travel abroad merely on an unfounded apprehension of the applicant fleeing

from justice would amount to a direct violation of fundamental rights as guaranteed under Articles 14, 19(1)(a), (g) and 21 of the Constitution of India.

In view of the above and the ratio of law laid down by this Court in ‘Mohan Lal Vs. Union of India and others’ (2023) 3 RCR (Civil) 772, this Court is not inclined to interfere in the findings given by the learned Court below and the present petition is hereby, dismissed.

(HARPREET SINGH BRAR)
JUDGE

29.04.2024
Neha

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