

CRM-M-24930-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

149/151

CRM-M-24930-2023 (O&M)

Date of decision: 16.01.2024

Adarsh Kumar

...Petitioner

V/s

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Paras Talwar, Advocate for the petitioner.
Mr. Amit Kumar Lamdharia, Addl. P.P. U.T. Chandigarh.
Mr. Nitin Jain, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 29.05.2023, the petitioner was permitted to travel to Morocco subject to certain conditions & he was directed to return to India within first week of January, 2024.
2. Learned counsel for the petitioner has submitted that, in compliance of the order dated 29.05.2023 passed by this Court, the petitioner has duly returned back to India and has not committed any default in terms of the above said order.
3. Learned counsel for the petitioner has argued that the petitioner is again required to travel back to Morocco from 3rd January, 2024 till 01st March, 2025 in connection with his work. In this regard, he has relied upon a work contract (a copy whereof has been appended as Annexure P-8). He has accordingly prayed that requisite travel permission be accorded to the petitioner.

4. Learned counsel appearing for the U.T. Chandigarh as also learned counsel appearing for the complainant have opposed the above said prayer.

5. I have heard learned counsel for the parties and have perused the available record with their assistance.

6. In considered opinion of this Court, the petitioner has exhibited his *bona fide* by complying with the order dated 29.05.2023 and this Court sees no reason as to why prayer of the petitioner for further travel to Morocco be declined. Accordingly, the prayer made is partly accepted and the petitioner is permitted to travel to Morocco from 17.01.2024 till 17.04.2024 for the present. The petitioner shall positively return back to India latest by 18.04.2024 and shall cause appearance before the trial Court on 19.04.2024. The above said prayer is granted, however, subject to the following conditions:-

- (i) *The surety of Rs.12.00 lacs already submitted with the trial Court shall subsist during the pendency of the trial;*
- (ii) *The attachment of house of the father, as directed vide order dated 29.05.2023 passed by this Court, shall continue till the petitioner returns back to India and appears before the learned trial Court;*
- (iii) *On his appearance before the trial Court on 19.04.2024, the petitioner shall deposit his passport before the learned trial Court.*

7. Learned counsel for the petitioner, on instructions from his client, has very fairly submitted that though the issue of arrears of maintenance is not subject matter of the present petition yet in order to show his *bona fide*, a demand-draft of Rs.70,000/- in the name of wife-Nidhi Gandhi, (towards the arrears of

maintenance amount) shall be furnished to her learned counsel appearing before this Court within one week from today. This shall be without prejudice to the rights and conditions of the rival parties.

8. The petitioner, through his counsel, is directed to furnish an affidavit before the trial Court which shall contain the following stipulations:

- (i) *he will be represented by a counsel;*
- (ii) *he will not delay/stall the proceedings of the trial Court;*
- (iii) *he will not dispute his identity as accused;*
- (iv) *he will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;*
- (v) *he will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.*

9. Needless to state herein that, in case of any of the stipulations contained hereinabove being violated, the complainant/State shall be at liberty to seek recall of this order on showing sufficient cause.

10. In view of the above, the present petition is disposed of.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

January 16, 2024
Ajay

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