

299 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:084993



CRM-M-29719-2024 (O&M)
DATE OF DECISION : 08.07.2024

SATPREET PAUL SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sarju Puri, Advocate for the petitioners.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Ms. Shubreet Kaur, Advocate for the complainant.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. praying for setting aside the order dated 29.05.2024 (Annexure P-1) passed by learned Judicial Magistrate First Class, SBS Nagar in case FIR No. 08 dated 05.08.2020 under Sections 406 & 498-A IPC, registered at Police Station NRI, District SBS Nagar whereby the application of the petitioners for permanent exemption from personal appearance and for permission to travel abroad has been declined by the trial Court.
2. Learned counsel for the petitioners *inter alia* contends that the earlier application of the petitioners seeking permission to visit abroad was declined vide order dated 27.02.2024 (Annexure P-4) passed by learned Judicial Magistrate First Class, SBS Nagar only on the ground of pendency of the investigation.

3. It is further contended that subsequent application was dismissed vide impugned order dated 29.05.2024 (Annexure P-1) on account of non-maintainability, which, in fact, is an illegal observation.

4. Learned counsel for the petitioners further submits that both the petitioners are permanent resident of Germany. They are working there for the last so many years. They want to go there to revive their work and to complete the pending jobs including all of the installments due of their house and cars etc. There is no other person in their family and their house is locked since January, 2024. Petitioner No.2- Harminder Kaur @ Harminder Kaur Singh is suffering from various ailments including severe degenerated osteoporosis, hypertonia and depression and her health condition is quite precarious. The petitioners are ready to comply with any condition that may be imposed by this Court while granting the permission to go abroad.

5. A reply to the petition on behalf of the complainant along with some documents as Annexures C-1 to C-4 has been filed in Court today. The same is taken on record.

6. Learned counsel for the State and complainant have opposed the present petition and submitted that the order dated 29.05.2024 passed by the learned trial Court is well reasoned and justified. It is further contended that stringent conditions be imposed to ensure the return of the petitioners.

7. The challan in this case has already been presented and even the charges have also been framed by the learned trial Court.

8. Keeping in view the above, the present petition is allowed and the petitioners are permitted to visit Germany for a period of six months

subject to the following conditions:

- (i) That the petitioners shall furnish their complete address, phone number and e-mail address, where they will live during this period;*
- (ii) The petitioners shall furnish personal bond in the sum of Rs.5 Lakhs each with one surety in the same amount to the satisfaction of the learned trial Court/Duty Magistrate concerned;*
- (iii) That the petitioners shall also furnish copy of the title (deed) of the immovable properties owned by them in India.*
- (iv) The petitioners would also file an affidavit before the trial Court/Duty Magistrate concerned disclosing all their immovable properties along with the properties of their family members in India and would not sell the said properties; and*
- (iv) The petitioners would also furnish an undertaking before the trial Court/Duty Magistrate that they would return back to India within the prescribed period and that they have no objection if evidence is recorded in their absence and would not raise any objection of identity.*

9. Subject to compliance of the aforesaid conditions, the petitioners are permitted to go to abroad for a period of six months. After accepting the bonds, affidavit and undertaking, an intimation be also sent to the Registry of this Court.

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

08.07.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No