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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30093-2024 (O&M)****Date of Decision:- 30.07.2024****Ranjit Singh Bath and Another**

...Petitioners

Versus**Union Territory of Chandigarh and Another**

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.S. Swaich, Advocate with
Mr. S.S. Sandhu, Advocate and
Ms. Deepa Negi, Advocate
for the petitioners.

Mr. Amit Kumar Goyal, Addl. P.P, U.T, Chandigarh.

Mr. S.S. Narula, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.

1. Petitioners – Ranjit Singh Bath and Sukhamanpreet Bath have filed petition under Section 482 of Cr.P.C. for quashing of condition of furnishing FDR or Bank Guarantee for an amount of ₹8,00,000/- each with one surety in the like amount, in impugned order dated 04.06.2024, Annexure P-4, passed by learned Judicial Magistrate Ist Class, Chandigarh in case bearing CrI. Misc. No. 18436 of 2024, titled “State Vs. Sukhmanpreet Bath & Anr.”, arising out of FIR No. 201 dated 19.06.2017, under Section 420, 120-B of Indian Penal Code, 1860, registered at Police Station 34, Chandigarh, vide which petitioners were granted permission to go abroad i.e. Canada from 01.06.2024 to 15.07.2024, being extremely

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harsh and difficult condition for petitioners to satisfy the same.

2. Learned counsel for petitioners argued that both petitioners were falsely implicated in aforesaid FIR No. 201 dated 19.06.2017, under Section 420, 120-B of Indian Penal Code, 1860, registered at Police Station 34, Chandigarh, Annexure P-1. They were granted anticipatory bail by Hon'ble Supreme Court of India vide orders dated 18.08.2023 and 08.01.2024, which are Annexure P-2. Challan has not been presented in aforesaid FIR. Petitioners had sought permission for going abroad and in this connection filed application dated 17.05.2024, Annexure P-3. Learned Judicial Magistrate granted permission to both petitioners to go abroad i.e. Canada from 01.06.2024 to 15.07.2024 by passing impugned order dated 04.06.2024, Annexure P-4. However, in this order, there was one of the condition to furnish FDR/bank guarantee to the tune of ₹8,00,000/- each along with one surety of like amount. Aforesaid condition is extremely harsh, illegal, without justification and it is liable to be set aside. Petitioner No. 1 is practicing Advocate before this Court and petitioner No. 2 is working as Deputy Chief Executive Officer, Department of Employment Generation, Government of Punjab, presently posted at S.A.S. Nagar, Mohali. Petitioners had recently performed marriage of their daughter in the month of April, 2024 and incurred lots of expenditure. Therefore, they are not in a position to furnish FDR/bank guarantee of ₹8,00,000/- each, as detailed in impugned order dated 04.06.2024.

To support his arguments, learned counsel for petitioners has relied upon judgment of Coordinate Bench, titled “**Amit Sureshmal Lodha Versus State of Haryana**”, 2023(1) R.C.R.(Criminal) 118, where



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in that case, petitioner did not own property in his name in India, whereas, wife and son of petitioner were residing abroad. In that situation, petitioner was allowed to go abroad for a period of one month by imposing conditions, as detailed in para No. 35. Relevant sub clause (1) was that *“The petitioner shall furnish two sureties in the sum of Rs.40 lacs each to the satisfaction of the concerned trial Court/Duty Magistrate for ensuring his return from abroad and appearance before the Court.”*

Learned counsel for petitioners has also relied upon another judgment of Coordinate Bench in **CRM-M No. 19373 of 2022 (O&M), decided on 05.08.2022**, titled **“Gaurav Raheja Versus State of Punjab and another”**, where petitioner had sought permission to go to Australia for a period of six months to take up employment. In that case, he had offered to submit title deed of property of his father as security.

Purpose of taking security is only to ensure the presence of petitioners before the Court. Learned counsel for petitioners submitted that he is ready to submit title deeds by way of security for going abroad as they are not in a position to furnish FDR/bank guarantee to the tune of ₹8,00,000/- each, which is one of the condition in impugned order dated 04.06.2024. It is submitted that aforesaid condition is harsh and unjustified. Therefore, impugned order dated 04.06.2024 may be modified accordingly.

3. On the other hand, learned counsel for respondent No. 2 along with learned Additional Public Prosecutor for Union Territory, Chandigarh took the stand that petitioners were permitted to go abroad i.e. Canada from 01.06.2024 to 15.07.2024 and that period has already lapsed. Therefore, petition filed by petitioners has rendered infructuous. Cause of action no

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longer survives to petitioners to pursue the present petition. They are required to seek fresh permission from the trial Court for going abroad. Therefore, conditions detailed in impugned order dated 04.06.2024 cannot be modified at this stage.

4. I have considered the arguments and have gone through the record. Petitioners are involved in FIR No. 201 dated 19.06.2017, under Section 420, 120-B of Indian Penal Code, 1860, registered at Police Station 34, Chandigarh in which both petitioners were granted concession of anticipatory bail by the Apex Court. As per petition, challan in this case was not presented when petition under Section 482 of Cr.P.C. has been filed. It is matter of record that petitioners were granted permission to go abroad vide impugned order dated 04.06.2024, Annexure P-4. In the said order, there is one of the condition that applicants/petitioners shall furnish requisite FDR or bank guarantee in favour of Court as the case may be, for an amount of ₹8,00,000/- each with one surety in like amount and same shall be released on their return. Learned counsel for petitioners alleged that aforesaid condition imposed upon them is harsh and it is in violation of Article 21 of the Constitution of India, 1950. At this stage, it cannot be ignored that period for which they had sought permission to go abroad i.e. 01.06.2024 to 15.07.2024 has already lapsed. Impugned order dated 04.06.2024, Annexure P-4 was also challenged by respondent No. 2 by filing separate case bearing CRM-M No. 30812 of 2024 (O&M), titled “Baljinder Singh Versus Union Territory, Chandigarh and others”, which has been withdrawn by learned counsel for petitioner, as having been rendered infructuous vide order dated 25.07.2024. Learned counsel for

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petitioners admitted that he will have to file application before the trial Court for extension of time for going abroad. Said application will be disposed of by learned trial Court as per law.

Present petition filed by petitioners for setting aside the aforesaid condition of furnishing FDR/bank guarantee for a sum of ₹8,00,000/- each has rendered infructuous, as period for which permission was given to go abroad has lapsed. Therefore, petition stands dismissed, having rendered infructuous. However, petitioners are given liberty to raise issue before learned trial Court regarding aforesaid condition imposed on them for going abroad, at the time of filing application for extension of time.

5. Petition is accordingly, disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

30.07.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No