

**CRM-12831-2024 in/and
CRR-1649-2021**

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2024.PHHC:072828



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

**CRM-12831-2024 in/and
CRR-1649-2021
Date of decision : 21.05.2024**

VIKASH AHLAWATPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Varun Veer Chauhan, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana with SI Subhash Chand.

PANKAJ JAIN, J. (ORAL)

CRM-12831-2024

This is an application filed under Section 482 Cr.P.C. for placing on record the employment offer marked as Annexure A-1. Further prayer is for preponement of the main case.

For the reasons recorded in the application, the same is allowed. Document marked as Annexure A-1 is taken on record. Main case is taken on board today itself.

CRR-1649-2021

The present revision petition is directed against the order dated 3rd of December, 2021 passed by ASJ, Karnal whereby the application filed by the petitioner seeking permission to leave India to join his services stands declined.



2. The petitioner is facing trial in case FIR No.224 dated 07.06.2021 registered for the offences punishable under Section 306, 34 IPC later on added Section 3(2)(v) of SC&ST Act, 1989 at Police Station Butana, District Karnal. He moved application before the Trial Court seeking permission to leave the India to earn his livelihood claiming that he is serving in a shipping company namely MAERSK Line, Copenhagen Denmark as an electrical engineer. The same stands disposed off by the Trial Court observing that since the petitioner was admitted to pre arrest bail by the High Court subject to the conditions as enumerated under Section 439(2) Cr.P.C. he should seek permission from the High Court only.

3. Notice of motion was issued. The State was directed to get the offer letter placed on record by the petitioner verified.

4. Reply by way of affidavit of Vijay Kumar, HPS, Dy. Superintendent of Police, Women Safety, Karnal has been filed on behalf of respondent/State of Haryana today in Court, which is taken on record. Copy supplied. Relevant response as pleaded therein reads as under :

7. That in order to verify about the genuineness of Annexure A-1, attached by the petitioner with the petition, on 03.05.2024, Rajan PSI, Incharge Police Post, Nilokheri, District Karnal has sent an email on the email adress of mfmtmpasla@maersk.com reg. Verify the genuineness of offering letter i.e. Annexure A-1. Copy of email received is attached as **Annexure R-1** for the kind perusal of this Hon'ble Court. In this regard, an email was received on 06.05.2024 with the copy of contract made by Maersk Fleet, Management and Technology India Private Ltd., (License : FPSL-MUM-490), 5th Floor, 502 and 503, Godrej Two, Pirojshah Nagar, Eastern Express Highway, Vikhroll East Mumbail Suburban,



Mumbai, Maharashtra, India with the petitioner for 180 days + 30 days. Copy of contract letter is attached herewith as **Annexure R-II** for the kind perusal of this Hon’ble Court.

5. Keeping in view the aforesaid fact this Court is of the view that though the petitioner has been booked in the FIR and is facing Trial however his right to livelihood cannot be allowed to be effected merely for the said reason. The petitioner claims to have deep roots in the community as his family i.e. his parents as well as his children are residing in India only and thus this Court is of the opinion that the petitioner has a case for permission to leave the country for the purpose of earning livelihood.

6. In view thereof, the present petition is allowed. However, subject to the condition that petitioner shall file an undertaking before the Trial Court to the following effect :

- (i) that he will share the details of his employment with the Trial Court.
- (ii) In case of change of his employment he shall share the details of new employer with the concerned Magistrate.

7. In addition the petitioner shall furnish heavy surety before the Trial Court to its satisfaction.

May 21, 2024
Dpr

(Pankaj Jain)
Judge

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