



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47677 of 2024 (O & M)
Date of decision : 16.10.2024

Adarsh KumarPetitioner
Versus
U.T. Chandigarh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Paras Talwar, Advocate, for the petitioner

Ms. Roopse Sharma, Advocate, for
Mr. Anil Kumar Lamdharia, Addl. PP, UT, Chandigarh

Mr. Nitin Jain, Advocate and
Ms. Vanshika Sharma, Advocate, for respondent no.2/
Complainant

SUMEET GOEL, J. (ORAL)

1. The substantive prayer made in the petition reads thus:
- 'It is therefore prayed that the present Application may kindly be allowed whereby the order dated 11.09.2024 passed by the Ld. Trial Court may kindly be quashed and the Petitioner may kindly be permitted to travel abroad (Morocco) for a period of 6 months to continue his career Scholar in Mohammed University, Morocco.*
- Further, it is prayed that the Ld. Trial Court be directed to release the passport of the Petitioner bearing No. P1545463 which was deposited by him in compliance with the order dated 16.01.2024 passed by this Hon'ble Court \$ 2023. A in Case CRM-M-24930 of 2023.'*
2. Learned counsel for the petitioner has submitted that the petitioner was permitted to travel abroad (Morocco) twice over earlier but the same concession has never ever been misused and the petitioner has



returned back and appeared in the trial Court in time. Learned counsel for the petitioner has further iterated that the petitioner is again required to travel back to Morocco upto January 2, 2025. In this regard he has relied upon a work contract as well. He has accordingly prayed that requisite travel permission be accorded to the petitioner.

3. *Per contra*, learned counsel appearing for the respondent UT, Chandigarh as also learned counsel for the complainant have vehemently opposed the grant of prayer. It has been submitted by learned counsel appearing for the respondents that there is flight-risk of the petitioner; it has been further argued that the trial proceedings are procrastinated on account of the petitioner's travelling abroad repeatedly and hence the trial is not coming to an end which is working to the prejudice to the prosecution/complainant as well.

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

5. In the considered opinion of this Court, the petitioner has exhibited his bona fide by complying with the earlier orders dated 29.5.2023 and 16.1.2024 passed by this Court & this Court sees no reason as to why the prayer in hand be not granted.

6. Accordingly, the prayer made is accepted and the petitioner is permitted to travel to Morocco upto January 2, 2025. The petitioner shall positively return back to India latest by 15.1.2025 and shall cause appearance before the trial Court/Illaqia Magistrate on 15.1.2025.

7. The above prayer is accordingly granted, subject to the following conditions:



- i) The surety of ₹12 lakhs already submitted with the trial Court shall subsist during the pendency of the trial.
- ii) The petitioner shall make all requisite arrangements for attachment of the house of the father, as directed earlier, & the same shall continue till the petitioner returns back to India and appear before the trial Court/ Illaqua Magistrate. The petitioner is further directed to submit, before the trial Court, an affidavit of his father affirming the said attachment.
- iii) On his appearance before the trial Court/Illaqua Magistrate on 15.1.2025, the petitioner shall submit his passport before the learned trial Court.

8. Since an apprehension has been raised by the learned counsel appearing for the UT, Chandigarh as also by learned counsel for the complainant that the trial proceedings are being procrastinated, it is directed that trial Court shall make an endeavour for expeditious conclusion of the trial. In order to facilitate the trial, in absence of the petitioner, it is directed that the petitioner shall furnish an affidavit before the trial Court which shall contained 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, any stipulations contained



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herein be violated, the complainant/UT Chandigarh shall be at liberty to seek recall of this order on showing sufficient cause.

- 10. Disposed of.
- 11. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

16.10.2024
Ashwani

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