

2024:PHHC:036859
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CRM-M-55149-2023 (O&M)
Date of Decision: 14.03.2024

SUKHVIR KAUR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. G.S. Kaura, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition is for modifying the order dated 20.09.2023 passed by the Judicial Magistrate, 1st Class, Ludhiana (Annexure P-4), whereby the petitioner, who is mother-in-law of the complainant at whose instance the FIR was registered, was permitted to go abroad subject to the following conditions, which read as under:

“a. Accused/applicant shall furnish a bank guarantee for an amount of Rs. 20 Lacs in shape of FDR with an undertaking to return back India upto 30.11.2023, if accused/applicant fails to return on the date fixed, the bank guarantee furnished by her shall be canceled and forfeited to state;

b. Beside furnishing the personal bond of Rs. 20 Lacs, the applicant shall furnish one local surety of Rs.20 lacs thereby undertaking her return to India on the date fixed;

c. Accused/applicant shall intimate her itinerary before leaving India and shall also submit her address, where she would be putting up during her stay abroad along with the contact number which the applicant shall not switch off or change without prior intimation to the court;

d. Accused/applicant shall not visit any other country except USA during the said period;

e. Accused/applicant shall also furnish affidavit to the effect that she shall abide by all the conditions imposed by this Court and shall not seek extension of time for returning back to India;

f. Accused/applicant shall not in any manner tampered with the evidence of the prosecution/complainant;

g. Accused/applicant shall submit the certified copy of her passport to this court.

h.In case, accused/applicant fails to fulfill all these conditions as imposed by this court within stipulated period, then this application shall be deemed to be dismissed.”

2. Learned counsel for the petitioner at the outset contends that the petitioner will abide by all the above-mentioned conditions, however she is unable to furnish bank guarantee of Rs.20 lacs in the shape of FDR as she is not having funds. However, she is owner of one acre land and the petitioner undertakes that she would not to dispose of the said property during the proceedings of the trial Court.

3. In view of the facts and circumstances of the case, notice to the complainant is dispensed with to avoid further delay.

4. Learned State counsel has not raised any objection to the said petition.

5. The petitioner would be caused great hardship if she is not permitted to travel abroad as the trial is going to take time. As such, the present petition is allowed.

6. The impugned order dated 20.09.2023 is modified to the extent that instead of furnishing the FDR for a sum of Rs.20 lacs, the petitioner would undertake that she would not dispose of the property owned by her and entry in this effect shall be made in the Revenue record.

7. Learned counsel for the petitioner informs that even the passport of the petitioner has expired now and even the period mentioned in the impugned order dated 20.09.2023 to visit USA has expired. As such the petitioner is permitted to visit USA in terms of the impugned order dated 20.09.2023 (Annexure P-4) for a period of 6 months w.e.f. today.

8. All pending miscellaneous application(s), if any, stands disposed of.

14.03.2024

(HARPREET KAUR JEEWAN)
JUDGE

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No