

305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58394-2023 (O&M)

Date of Decision: 30.01.2024

SUMIT SANDHU

.....PETITIONER

Vs.

MEENA DEVI AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

None for respondents No. 1.

Ms. Mayuri Lakhanpal, D.A.G. Haryana,
for respondent No. 2-State.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition is for setting aside the impugned order dated 03.11.2023 (Annexure P-14), passed by learned Judicial Magistrate Ist Class, Karnal, whereby an application moved by the petitioner was dismissed and his permission to go abroad (Australia) was declined as he is facing trial in a Criminal Complaint No. COMI-74-2027, instituted on 23.02.2017, titled **Meena Devi** vs. **Balbir Singh**, under Sections 341, 323, 354, 504 and 506 of the IPC read with Section 34 thereof.

2. Learned counsel for the petitioner *inter alia* contends that a summoning order was passed by the learned trial Court on 02.04.2018 (Annexure P-4) and the petitioner was summoned to face trial in the aforesaid Criminal Complaint but at that point of time he was living in

abroad and pursuing his education, which is evident from the entry of his passport (Annexure P-5).

3. It is further contended that the petitioner is doing an advance Diploma of Information Technology (Telecommunications Network Engineering) and the duration of the course is w.e.f. 26.06.2023 to 23.06.2025. The petitioner had already paid the annual fee for the year 2023-

24. A permission was sought to visit abroad but the same has wrongly been rejected by the learned trial Court, vide its order dated 03.11.2023 (Annexure P-14) and as such, the educational career of the petitioner would be affected.

4. As per the office report, dasti notice issued to respondent No. 1 has been received back duly served but no one has put in appearance on her behalf.

5. Keeping in view the facts and circumstances of the case and the fact that the trial of the complaint is going to take time, the petition is allowed and the impugned order dated 03.11.2023 (Annexure P-14), passed by learned Judicial Magistrate Ist Class, Karnal, is set aside.

6. The petitioner is permitted to visit abroad (Australia) for a period of 06 months subject to the following conditions:-

(i) That the petitioner shall furnish his complete address, phone number and e-mail address, where he will live in the Australia during this period;

(ii) The petitioner shall furnish a person bond in the sum of ₹5,00,000/- with one surety in the same amount of his family member to the satisfaction of the learned trial Court/Duty Magistrate concerned and will also furnish

copy of the titled deed of the immovable properties own by them in India

(iii) The petitioner would also file an affidavit before the trial Court/Duty Magistrate concerned disclosing all his immovable properties along with the properties of his parents; and

(iv) The petitioner would also furnish an undertaking before the trial Court/Duty Magistrate that he would return back to India within the prescribed period and that he has no objection if evidence is recorded in his absence and would not raise any objection of identity.

7. Subject to compliance of the said conditions, the petitioner is permitted to go to Australia for a period of 06 months.

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

January 30, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No