

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-10833-2025 (O&M)
Date of Decision:- 12.03.2025

AMANDEEP KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mitul Singh Rana, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG Punjab.

SANJIV BERRY, J. (ORAL)

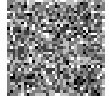
CRM-10396-2025

For the reasons stated in the application, same is allowed.

Annexures A-1 to A-3 are taken on record subject to all just exceptions.

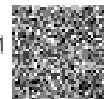
CRM-M-10833-2025

1. Arguments heard.
2. By way of present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has made a prayer for setting aside the impugned order dated 15.02.2025 (Annexure P-6), whereby the application dated 01.02.2025 (Annexure P-5) moved by the petitioner seeking extension of time qua the period of her stay abroad was dismissed by learned Judicial Magistrate First Class, Gurdaspur in case FIR (Annexure P-1).
3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in case FIR (Annexure P-1), wherein the petitioner was granted the permission to go abroad vide order dated 12.04.2024 (Annexure P-3). He contends that subsequently, the petitioner had challenged the FIR and sought its quashing by filing a petition i.e. CRM-M-35527-2024 titled Surinder Singh and others Vs. State of Punjab and another, wherein vide order dated 17.09.2024 (Annexure P-2), the proceedings before the trial Court had been stayed and the case is now fixed for hearing for 06.05.2025. He contends that the petitioner had gone abroad after seeking requisite permission from the Court vide order dated 12.04.2024 (Annexure P-3) for a period from 20.04.2024 to 20.08.2024 and thereafter she returned back to India. Thereafter again the petitioner obtained the requisite permission vide order dated 02.09.2024 (Annexure P-4), to go abroad from 02.09.2024 to 25.02.2025. He contends that the petitioner had been working in Canada since 2019 i.e. even before the registration of the FIR and now her case for grant of permanent residency is at final stages, as is evident from Annexure A-2 and her nomination will expire on 30.04.2025 and as such, the petitioner will not be in a position to travel to India during this crucial period. He further contends that appropriate application seeking extension of time to stay abroad was moved by the petitioner, which however was dismissed vide impugned order dated 15.02.2025 (Annexure P-6). Hence the petition.

4. Learned State counsel appearing in the case has although opposed the petition and prayed for its dismissal, but has not disputed the factual aspects. He has also not disputed the fact that the proceedings in the



FIR have already been stayed vide order dated 17.09.2024 (Annexure P-2) passed in CRM-M-35527-2024 and the matter is now fixed for 06.05.2025.

5. After considering the rival contentions and perusing the record, it transpires that after being nominated in case FIR (Annexure P-1), the petitioner was granted the concession to travel abroad firstly vide order dated 12.04.2024 (Annexure P-3) and subsequently vide order dated 02.09.2024 (Annexure P-4) by the learned trial Court.

6. Admittedly, the petitioner had filed a petition i.e. CRM-M-35527-2024 seeking quashing of the FIR, wherein vide order dated 17.09.2024 (Annexure P-2) further proceedings before the learned trial Court had been stayed and the matter is now pending for 06.05.2025. It is evident from the record that the petitioner had been living in Canada since 2019, even before the filing of the instant FIR and as per Annexure A-2, her nomination for being provided permanent residency has been confirmed which will expire on 30.04.2025. It is the case of the petitioner that considering her confirmation vide Annexure A-2 for Provincial Nominee Program, she will not be able to travel to India, hence, sought extension of period to remain abroad. The learned trial Court has declined the request of the petitioner by passing the impugned order dated 15.02.2025 (Annexure P-6), however, the learned trial Court has ignored the fact that proceedings before it have already been stayed by this Court vide order dated 17.09.2024 (Annexure P-2) passed in CRM-M-35527-2024 filed for seeking quashing of the FIR by the petitioner and other co-accused, therefore, no purpose would be served by compelling the presence of the petitioner. Further, the career of

the petitioner is at stake, as she has already been nominated for Provincial Nominee Program for being confirmed the permanent residency as per Annexure A-2. Moreover, she has been living abroad since 2019, i.e. even before the registration of the FIR and these crucial aspects skipped the mind of the learned trial Court while passing the impugned order. The learned trial Court has also ignored the fact that travelling to India by petitioner before 30.04.2025 would effect her career prospects and even otherwise when the proceedings before the learned Trial Court are already stayed in the quashing petition (*supra*), no purpose would be served by compelling the petitioner to appear before the trial Court after the expiry of the period already granted vide order dated 02.09.2024 (Annexure P-4) to stay abroad.

7. Therefore, considering all these facts and circumstances, finding merit in the instant petition, the impugned order dated 15.02.2025 (Annexure P-6) is hereby set aside and the petitioner is granted the extension of her period to stay abroad on the same terms and conditions as imposed vide order dated 02.09.2024 (Annexure P-4) till 15.06.2025.

8. With these observation petition stands disposed of.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No