

CRM-M-16365-2025

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2025.PHHC.044068



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

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CRM-M-16365-2025

Date of Decision: 01.04.2025

SATNAM SINGH

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

N. S. SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to set aside the impugned order dated 13.03.2025 passed by the Court of Judicial Magistrate 1st Class, Karnal, whereby the application filed by the present petitioner to grant him permission to go abroad was ordered to be dismissed.

2. Learned counsel for the petitioner contends that one FIR No. 287, dated 18.08.2020, under Sections 406, 420, 506 and 120-B of IPC, Police Station Taraori, District Karnal (Annexure P-2) was got



registered by Sunita wife of Raj Kumar @ Raju against the present petitioner and others. During the pendency of the case, the parties had compromised the matter with each other and the petitioner and other accused had filed a quashing petition i.e. CRM-M-63562-2024 before this Court vide order dated 17.12.2024 (Annexure P-3) with a prayer to quash the FIR and all consequential proceedings emanating therefrom, on the basis of a compromise. In compliance of the order dated 17.12.2024 (Annexure P-3), passed by this Court, the parties appeared before the Court of Chief Judicial Magistrate, Karnal and made their respective statements, in support of the compromise between the parties. Learned counsel for the petitioner contends that the petitioner is a permanent resident of Spain and he has to visit Spain to attend the opening ceremony of his Restaurant. He moved an application before the trial Court to grant him permission to visit Spain for a period of 03 months, however, the trial Court had dismissed the application without assigning any specific reasons and the impugned order is legally unsustainable.

3. Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is facing a criminal prosecution and serious allegations have been levelled against him. However, he could not dispute the fact that the parties have already entered into a compromise in the present case.



4. On the other hand learned counsel Mr. Aazam Khan, appearing on behalf of the respondent/complainant submits that he has no objection in case the present petition is allowed and the impugned order is quashed by this Court. He has also filed his power of attorney, which is taken on record.

5. I have heard the learned counsel for the parties and perused the record.

6. It is not in dispute that the parties have already entered into a compromise and the payments have been made by the present petitioner and other accused to the complainant, in order to settle the dispute between the parties. Apart from that, both the parties have already appeared before the Court of Chief Judicial Magistrate, Karnal and made their respective statements and clearly stated that they had entered into a compromise. Even otherwise, the Hon'ble Supreme Court has held in various judgments that the expression "right to life and personal liberty", as enshrined in Article 21 of the Constitution of India includes the right to go abroad. However, while granting the permission to go abroad, certain conditions can be imposed by the Court, which normally grants the permission to travel abroad. In the present case, it is not in dispute that the present petitioner is a permanent resident of Spain and it is a matter of common knowledge that he needs to travel abroad after a reasonable



period and this Court has no doubt about the bona fides of the petitioner.

7. In view of the above discussion, the impugned order dated 13.03.2025 passed by Judicial Magistrate 1st Class, Karnal is set aside and the petitioner is permitted to travel to Spain for a period of 03 months w.e.f. 07.04.2025 to 07.07.2025, subject to the following conditions:-

(i) The petitioner shall deposit a fixed deposit of Rs.2,00,000/- with the trial Court/Duty Magistrate in the name of complainant and shall also file an affidavit/undertaking before the Court that he shall have no objection in case the amount is forfeited in favour of the complainant, in the eventuality of petitioner failing to return to India within the stipulated period.

(ii) He shall also file an affidavit/undertaking before the Court that he shall appear before the trial Court/Duty Magistrate within a period of one week of his return from Spain and shall again hand over his passport to the trial Court/Duty Magistrate. He shall not move any application for adjournment before the trial Court and shall not move any application for extension of period of his stay in Spain on any ground whatsoever.



(iii) He shall also file an affidavit/undertaking before the trial Court that he shall have no objection in case the proceedings before the trial Court are allowed to continue even in his absence and in the presence of his counsel.

8. Petition stands allowed in above terms.

01.04.2025.
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(N. S. SHEKHAWAT)
JUDGE

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