



CRM-M-26200-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-26200-2025(O&M)
Decided on : 21.05.2025

PREM PAL

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gursimran Singh Madaan, Advocate
for the petitioner(s).

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), challenging the order dated 02.05.2025 (Annexure P6) passed in case FIR No.20 dated 22.03.2023, under Section 498-A IPC, registered at Police Station Rawalpindi, District Kapurthala, whereby application seeking permanent exemption by the petitioner has been dismissed by the learned JMIC, Phagwara.

2. This Court while issuing notice of motion on 15.05.2025 passed the following order:

“The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), challenging the order dated 02.05.2025 (Annexure P6) passed in case FIR No.20 dated 22.03.2023, under Section 498-A IPC, registered at Police Station Rawalpindi, District Kapurthala, whereby application seeking permanent exemption by the petitioner has been dismissed by the learned JMIC, Phagwara.

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Learned counsel for the petitioner inter alia submits that the petitioner, who is a green card holder of USA and had been residing there since 2015, solemnized marriage with the complainant on 23.01.2017. Owing to the matrimonial discord between the two, the complainant falsely implicated the petitioner in the present FIR, wherein the petitioner was subsequently granted regular bail. During the course of trial, which has been progressing slowly since the witnesses are not coming forward for getting the statements recorded, the petitioner was granted permission to go abroad twice, albeit subject to conditions and on furnishing heavy surety vide orders dated 30.05.2024 and 20.11.2024. Thereafter, the petitioner moved an application seeking permanent exemption from his personal appearance, which was dismissed by the learned JMIC, Phagwara vide order dated 02.05.2025 on the ground that the petitioner had departed from India on 21.11.2024 for USA without seeking permission from the Court. It is submitted that the learned trial Court overlooked the fact that the petitioner was granted permission to travel abroad on two previous occasions, and he had complied with all the conditions imposed on him. However, it was due to a professional exigency, and the risk of losing his job, that the petitioner had to travel to USA. The bona fide of the petitioner can be seen from the fact that within 20 days he returned to India and filed the aforesaid application seeking permanent exemption.

Notice of motion.

Served with an advance copy of the petition, Ms. Aakanksha Gupta, AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 21.05.2025.”

3. In compliance to the said order, status report dated 20.05.2025 has been filed by learned State counsel, in Court today, which is taken on record. She on instructions from ASI Surjit Kumar submits that no look out circular has been issued against the petitioner in the present case.

4. At this stage, learned counsel for the petitioner restricts his prayer to seeking grant of permission to the petitioner to travel to USA, subject to any terms and conditions that this Court would deem appropriate to impose upon him.

5. In view of the limited prayer made by learned counsel for the petitioner, the petitioner is granted permission to travel to the USA for a period of three months starting from the date 01.06.2025, subject to the following conditions:-

I. the duly appointed Counsel for the petitioner shall appear on each and every date of hearing before the learned trial Court;

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- ii. the petitioner shall not dispute his identity and shall have no objection, if the evidence is recorded in his absence before the learned trial Court;
 - iii. The petitioner shall furnish a bank guarantee in the sum of Rs.5 Lacs with one surety in the same amount for the period of his stay in USA, as the charges against him are serious in nature;
 - iv. The petitioner shall furnish the duly sworn affidavit that he will abide by the aforesaid conditions failing which, the aforesaid guarantee and the surety bonds shall be forfeited in favour of the State or complainant, as the case may be.
 - v. The petitioner shall appear and report before the learned trial Court within period of one week after his arrival in India within a period of permission granted to him and shall furnish a copy of his passport and return ticket, failing which, the bank guarantee and surety bonds furnished by him shall stand forfeited.
6. Accordingly, present petition stands disposed of in above-said terms.
- Pending application(s), if any, also stands disposed of accordingly.

21.05.2025

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*

(KIRTI SINGH)
JUDGE