



CRM-M-59100-2024

-1-

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

258

CRM-M-59100-2024

Date of Decision:- 03.02.2025

Amit Rawal

....Petitioner

Vs.

State of Haryana and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr.Sapan Dhir, Advocate for petitioner (through V.C.).

Ms. Nidhi Garg, AAG, Haryana.

Mr. S.S.Brar, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner Amit Rawal has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 22.11.2024 (Annexure P-6) whereby permission to fly back to Canada for joining his job was declined along with all consequential proceedings arising out of the same or any other direction or order which the Court may deem fit in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that petitioner got married with Saloni Bajaj (respondent No.2) on 13.02.2023. They lived together from 14.02.2023 to 19.02.2023 and thereafter, he went back to Toronto (Canada). He again came back on 13.05.2023 and reached Delhi on 14.05.2023. They went to Maldives from 15.05.2023 to 19.05.2023 on Honeymoon. Respondent No.2 left her matrimonial home and came back to Panchkula in her parental house. He left for Toronto on 23.05.2023.



Thereafter, respondent No.2 along with mother of petitioner came to Toronto on 19.07.2023 and lived there till 22.09.2023 and thereafter, she came back to India along with his father. On 14.11.2023, petitioner received a goodbye e-mail to end this relationship and during this period he came to know that his wife was suffering from depression and was also getting treatment for the same. He was not aware of registration of FIR against him with the allegations of cruelty i.e. copy of FIR No.260 dated 12.06.2024, under Sections 323, 406, 498-A, 506 of IPC, registered at Police Station Chandimandir, District Panchkula (Annexure P-1). On 04.10.2024, petitioner along with his mother came to India from Canada and they were detained by the police as there was lookout circular and the police of Chandimandir arrested them. Thereafter, they applied for regular bail which was allowed on 06.10.2024 (Annexure P-2). Petitioner is in India for the last one and a half month. He is receiving e-mail from his employer to report back for job otherwise he will loose his job. Petitioner is a Canadian citizen and Overseas Citizen of India (OCI). He is working with Air Canada in Air Traffic Control Department. Copy of his passport and employment card are Annexure P-3 and P-3A respectively. He has also received e-mail dated 08.11.2024 to report back by 18.11.2024 which is Annexure P-4. Petitioner filed application before learned trial Court dated 12.11.2024 (Annexure P-5). However, the learned trial Court without considering the legal proposition and fundamental rights of the petitioner partly allowed the application regarding release of passport with further direction to Investigating Officer to make endorsement on his passport that he will not leave India without prior permission of Court. The learned trial Court



declined permission for going back to Canada. Copy of impugned order dated 22.11.2024 is Annexure P-6. Allegations levelled against him in the aforesaid FIR are false. He is required to join his duty. Petitioner is ready to abide by the terms and conditions imposed by this Court. He is ready to cooperate with the investigating agency and will also face the trial as and when required.

3. Learned counsel representing State has filed status report confirming the registration of FIR as well as grant of regular bail in favour of Amit Rawal and Manju Rawal vide order dated 06.10.2024 (Annexure P-2). Petitioner is a Canadian citizen and in case he is permitted to go abroad, there is every likelihood that he will not return back to India to join investigation and to face the trial. Therefore, impugned order dated 22.11.2024 does not require any interference.

4. Petition is also opposed by learned counsel representing respondent No.2. In reply, respondent No.2 has given detail of alleged maltreatment given to her in the matrimonial home by her husband Amit Rawal, mother-in-law Manju Rawal and other members of the family during her stay in India as well as during her stay in Canada. It is pointed out that behaviour of petitioner changed towards respondent No.2. She tried her level best to please her mother-in-law but there was no change in the attitude of her husband and other members of in-laws family. She was not allowed to stay with her husband in Canada and was brought back to India within few days. The matrimonial home of respondent No.2 i.e. flat in Dwarka was sold and thereafter, she and her parents were not aware of the address of members of her in-laws family. Under compelled circumstances, present FIR was



lodged. She was left in her parental house with no intention to take her back in the matrimonial home. During this period, her husband also filed petition seeking divorce in Family Court, Brampton (Canada). It is pointed out that in case, petitioner is permitted to go back to Canada, there is every likelihood that he will not return to India to join investigation and face the trial.

5. I have considered the arguments and have gone through the record. On the written complaint of Saloni Bajaj (respondent No.2), present FIR No. 260 dated 12.06.2024, under Sections 323, 406, 498-A, 506 of IPC, registered at Police Station Chandimandir, District Panchkula (Annexure P-1) has been registered. Respondent No.2 has levelled serious allegations against her husband and other members of in-laws family. Said allegations of respondent No.2 and stand taken by petitioner is matter of trial. Amit Rawal has filed this petition for quashing of impugned order dated 22.11.2024 (Annexure P-6) whereby permission to go back to Canada for joining his job has been declined. Petitioner has placed on record copy of his Canadian passport (Annexure P-3) and copy of employment card (Annexure P-3A), according to which petitioner is serving as Specialist Cyber Security in Air Canada. Petitioner has placed on record e-mail received by him for joining his job but due to the passing of impugned order dated 22.11.2024 (Annexure P-6), he is unable to go back to Canada for joining his job. Learned counsel representing State pointed out that the matter is still under investigation and till date the challan has not been presented. The matter was also referred to Mediation and Conciliation Center to explore the possibility of compromise but it failed.



In the light of this, at this stage, petitioner cannot be prevented from going back to Canada for joining his job where he was working even prior to his marriage. As per order dated 06.10.2024 (Annexure P-2) petitioner is on bail. In order to secure his presence for joining investigation as well as facing trial, condition can be imposed upon him. Today learned counsel for petitioner pointed out that petitioner needs two months time for going abroad to join his duty and thereafter, he will come back to India to join investigation as well as to face the trial.

6. Considering the aforesaid factual position, petition filed by petitioner is allowed and impugned order dated 22.11.2024 (Annexure P-6) is accordingly quashed to the extent vide which permission for going abroad was declined and resultantly, petitioner is permitted to go abroad i.e. Canada for a period of two months from today, on furnishing Bank guarantee duly verified from the concerned Bank to the tune of Rs.50 Lacs, to the satisfaction of learned Chief Judicial Magistrate, Panchkula (Haryana) and the said bank guarantee shall not be released till further orders.

7. Petition is accordingly disposed of.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.02.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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