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2026:PHHC:025825



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-65473-2025

Date of decision :18.02.2026

KAMAL JIT MOHAN

... Petitioner

Versus

JALANDHAR DEVELOPMENT AUTHORITY, JALANDHAR

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Ashish Grover, Advocate
for the respondent.

(THROUGH VIDEO CONFERENCING)

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the impugned order dated 30.10.2025 (Annexure P-14) passed by the JMIC, Jalandhar in Criminal Complaint No.COMA/788/2021 dated 17.11.2021 titled as *Jalandhar Development Authority Vs. Surinder Singh & others* registered under Sections 3, 5, 6, 9, 15 read with Section 36 of the Punjab Apartment and Property Regulation Act, 1955 whereby the application filed by the petitioner for grant of permanent exemption from personal appearance and for grant of permission to go abroad has been disposed of and permission has been granted permission to go abroad for a period of six months only.

2. The learned counsel for the petitioner contends that the petitioner is a Kenyan citizen of the age of about 65 years. He is facing trial in the captioned case. He had sought permission to go abroad and for permanent exemption from appearance. However, vide order dated 30.10.2025 (Annexure P-14), he has been permitted to go abroad for six months subject to certain conditions. He prays that he be permanently exempted from appearance and be permitted to stay abroad after he furnishes an undertaking to come back at the time of framing of charges or any other relevant date.

3. On the other hand, the learned counsel for the respondent contends that exemption cannot be granted permanently particularly in a situation where the remaining accused themselves have not appeared before the Court and are NRIs. The petitioner would be at liberty to seek extension of the order dated 30.10.2025 (Annexure P-14) after the period of six months have expired. Therefore, the present petition is liable to be dismissed.

4. I have heard the learned counsel for the parties.

5. A perusal of the order dated 30.10.2025 (Annexure P-14) would reveal that the petitioner has been granted permission to go abroad and exempted from appearance for a period of six months subject to certain conditions. Some of the accused have still not joined proceedings and are living abroad. In a situation of the present kind, no accused can be allowed to remain abroad indefinitely when he or she is facing trial in the Courts of this country. Therefore, I do not deem it appropriate to grant permanent exemption to the petitioner. Hence, the present petition stands dismissed.

6. Needless to say, the petitioner would be at liberty to approach the concerned Court for grant of extension of the order dated 30.10.2025 (Annexure P-14) after a period of six months expire.

(JASJIT SINGH BEDI)
JUDGE

18.02.2026
JITESH

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