

(2019) 02 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 714 Of 2019

Jatinder Kaur Sidhu And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 21-02-2019

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Citation : (2019) 02 P&H CK 0081

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Anurag Chopra, Jagmohan Ghumman, Rishu Garg

Final Decision : Allowed

Judgement

Hari Pal Verma, J

Prayer in this petition filed under Section 482 Cr.P.C. is to grant permission to the petitioners to travel abroad.

Learned counsel for the petitioners has argued that the petitioners are holding the status of permanent residency of Canada. Therefore, in order to maintain their permanent residency, they are required to visit Canada and they have booked their air-tickets for 22.02.2019. They would return back to India on 22.06.2019. Earlier also, the petitioners approached this Court for the similar relief and this Court vide order dated May 31, 2018 passed in CRM-M-19921 of 2018 titled as Jatinder Kaur Sidhu and another Versus State of Punjab and another has granted permission to the petitioners and they were permitted to visit Canada for the period from the first week of June, 2018 till 15.08.2018. After visiting Canada, the petitioners returned back to India and had surrendered their passports with the Chief Judicial Magistrate, Sangrur in terms of the order dated May 31, 2018 passed by this Court in the aforementioned petition. The petitioners are parents-in-law of respondent No.2-complainant Raspreet Kaur. Various litigations are pending between them including the civil suit filed by the

complainant against the petitioners. The petitioners have been admitted on interim bail by this Court vide order dated August 09, 2017 passed in CRM-M-27674 of 2017 titled as Jatinder Kaur Sidhu and another Versus State of Punjab and the said order was made absolute vide order dated February 26, 2018 passed in the said petition.

Learned counsel for respondent No.2-complainant, on instructions from his client and learned State counsel, on instructions from ASI Virender Kumar, state that the petitioners do not deserve to be given permission to go abroad, as there is possibility that they may not return back to India which would further delay in conclusion of trial resulting miscarriage of justice to the complainant.

I have heard learned counsel for the parties.

This Court has interacted with the petitioners and respondent No.2-complainant, who are present in Court. The petitioners have undertaken to explore the possibility of enabling the complainant to stay with her husband in Canada for which they will make all sincere and necessary efforts so as to prevail upon their son.

Considering the fact that earlier also, the petitioners have approached this Court by way of CRM-M-19921 of 2018 titled as Jatinder Kaur Sidhu and another Versus State of Punjab and another and this Court vide order dated May 31, 2018 has granted similar permission, which to the information of this Court has not been misused or violated in any manner, this Court finds that the petitioners deserve to be given permission to go abroad more particularly when they have already booked their return air-tickets on January 30, 2019.

Though before approaching this Court, the petitioners were required to approach the trial Court for the relief claimed in the present petition, but at this stage, when they are required to board their flight on February 22, 2019, this Court is not relegating them to approach the trial Court at the first instance.

Accordingly, the present petition is allowed and the petitioners are permitted to go abroad with effect from 22.02.2019 and in all probabilities, they will report back on or before 22.06.2019. However, the permission is granted subject to the condition that they will furnish surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned and they will furnish all details of their place of stay in Canada during the aforesaid period.

The petitioners shall also furnish an undertaking before the Chief Judicial Magistrate/Duty Magistrate concerned that in case they fail to return to India within the aforesaid stipulated time, they will deposit a sum of Rs.10 lakh with the trial Court. On their arrival to India, they will submit their passports before the trial Court within one week thereafter. They will return back to India on or before 22.06.2019 unless the extension is granted by this Court.