
(2011) 06 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : CM No. 7653 of 2011 in CWP No. 18589 of 2010

Naresh K. Parekh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 02-06-2011

Acts Referred:

Citation : (2011) 06 P&H CK 0036

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—The epitome of the facts, culminating in the commencement, relevant for disposal of the instant application and emanating from the record, is that the applicant-Petitioner No. 1 and others filed the main writ petition for quashing the FIR No. 244 dated 16.8.2010 (Annexure P14). In the wake of applications, applicant-Petitioner No. 1 was permitted to visit abroad, by virtue of orders dated 2.11.2010 and 19.1.2011.

2. Now, applicant-Petitioner No. 1 has moved the present application for permission to go abroad to attend his business commitments at Singapore, Malaysia and Indonesia for a period of 16 days from 14.6.2011 to 30.6.2011.

3. The Respondent Nos. 1 to 4 filed the reply, inter-alia admitting the earlier indicated orders of this Court. However, it was claimed that since the challan has already been presented in the Court against the Petitioners, so, the instant application is not maintainable. Hence, they prayed for its dismissal.

4. Having heard the learned Counsel for the parties, having gone through the record with their valuable help and after deep consideration over the entire matter, to my mind, the instant application deserves to be accepted in this context.

5. What is not disputed here is that in the wake of application, applicant-

Petitioner No. 1 was permitted to visit abroad by a Coordinate Bench of this Court (Surya Kant, J.), by virtue of order dated 2.11.2010, which is as under:

Having regard to the averments made in the application, the applicant-Petitioner No. 1 is permitted to visit abroad as per the schedule mentioned in para 4 of the application, however, subject to his furnishing security bonds to the tune of Rs. 5 lacs before the Investigating Officer and he shall also join further investigation on that very day.

6. Sequelly, on 19.1.2011, the following order was passed:

In view of the fact that the Petitioners have joined the investigation as and when required, Petitioner No. 1 may visit abroad but shall intimate the same to the Investigating Officer in writing at least a week in advance and subject to the conditions imposed vide order dated 02.11.2010. It is made clear that the period of his visit shall not exceed 10 days subject to a further condition that such a visit shall not hamper the ongoing investigation in any manner.

7. To me, the mere fact that challan has been presented in the Court against the Petitioners, ipso facto, is not a ground to deny the permission to applicant-Petitioner No. 1 to visit abroad, as urged on behalf of the Respondents. Moreover, it advances his cause as the investigation has already been completed.

8. In the light of aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of hearing of the main case or in the trial court, the instant application is allowed. As the challan has now been presented before the trial Court, therefore, applicant-Petitioner No. 1 is permitted to visit abroad to attend his business commitments at Singapore, Malaysia and Indonesia from 14.6.2011 to 30.6.2011, subject to his furnishing security bonds to the tune of Rs. 5 lacs before the trial court coupled with an undertaking that he will not extend his foreign visit beyond 30.6.2011 and will accordingly inform the Court of his arrival in India.