

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-27452-2022
Date of order: 24.06.2022

Kanwalpreet Singh Kalra

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

ANOOP CHITKARA, J.

Seeking release of his passport, to enable the petitioner to travel Canada to attend the convocation of his daughter, he had approached the trial Court. However, this prayer was rejected by Judicial Magistrate 1st Class, Jalandhar vide order dated 20.06.2022 (Annexure P-5). Aggrieved from the aforesaid order, the petitioner has come up before this Court by filing the present petition under Section 482 CrPC.

Learned counsel for the petitioner has referred to the petition which points out towards such convocation and necessity of release of the passport. He has also referred to page 26 of the petition which contains the affidavit in the matter of Canadian visitor visa of the petitioner – Kanwalpreet Singh and Satinderjeet Kaur.

State does not dispute the facts, as mentioned in the petition.

The day a child is born, the parents have a desire that he/she attains highest possible education. In Indian society, especially when a girl attains pinnacle of education, it brings joy not only to the parents but also makes the entire country proud. Thus, if her parents attend that function/convocation, it is likely to motivate the child for her further education. Simply because a case is

pending, would not mean that a person (petitioner) would not return back to India or cannot be brought back to India.

Given above, the present petition is allowed and the impugned order dated 20.06.2022 (Annexure P-5) passed by Judicial Magistrate Ist Class, Jalandhar is set aside. Petitioner is permitted to go abroad (Canada) and the trial Court is directed to return the passport to the petitioner. However, this order is subject to following conditions:-

- i) That the petitioner shall procure a smart phone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned before. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, Whatsapp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.
- ii) The petitioner shall intimate his address, phone and whatsapp number at Canada to the concerned SHO/I.O.

Within 15 days of his return to India, the petitioner shall deposit his passport back to the trial Court. However, it is clarified that such deposit shall not restrict the petitioner to apply again for permanent release of his passport, if necessity arises.

(ANOOP CHITKARA)
JUDGE

June 24, 2022

AK

Whether speaking/reasoned:

Whether reportable:

Yes

No.