

**(2005) 10 P&H CK 0025**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. 54442-M of 2004

Sant Baba Darshan Singh

APPELLANT

Vs

State of Punjab and others

RESPONDENT

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**Date of Decision:** Oct. 4, 2005

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 307

**Citation:** (2006) 1 RCR(Criminal) 940

**Hon'ble Judges:** Satish Kumar Mittal, J

**Bench:** Single Bench

**Advocate:** Bipan Ghai, D.P. Kaushal, for Mr. N.S. Dandiwal, for the Appellant; N.S. Gill, AAG, Punjab and Mr. Sushil Kumar Gautam, Advocate, for Mr. Gurpreet Singh, Advocate, C.G.C., Mr. Rajan Gupta, Advocate for the Respondent No. 3, Mr. D.P. Kaushal, Advocate, for Mr. N.S. Dandiwal, for the Respondent

**Final Decision:** Allowed

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**Judgement**

Satish Kumar Mittal, J.

Petitioner Sant Baba Darshan Singh, who is facing trial in case RC 10 (S)/2002-SIU.V/SCR II/CBI/SPE/New Delhi, has filed this petition u/s 482 of the Code of Criminal Procedure seeking permission to visit abroad for religious purpose.

2. In this case, on 8.5.1999, a dispute regarding some land took place in village Muksudra, in which the Petitioner is alleged to have fired a shot hitting Devinder Singh on his left leg. In this occurrence, persons from both the sides, including some followers of the Petitioner, received injuries. For the said occurrence, FIR No. 61 dated 8.5.1999 was registered at Police Station Payal under Sections 307, 506, 324, 323, 148, 149 IPC and 25, 27 of the Arms Act. In the said FIR, the Petitioner was arrested and subsequently, vide order dated 5.5.2000, he was released on regular bail by this Court. While granting him bail, the Petitioner was directed not to leave

the country without prior permission of this Court. Since passport of the Petitioner was burnt in fire, therefore, it was also directed that he should not get a duplicate passport from the Regional Passport Office without the permission of this Court. Subsequently, on a petition (Crl. Misc. No. 36088-M of 2001) filed by the Petitioner, vide order dated 17.1.2002 passed by this Court, investigation of the aforesaid case was transferred to the Central Bureau of Investigation, as it was alleged by the Petitioner that he was falsely implicated in the case. After the investigation ultimately, the CBI filed challan in the aforesaid case against the accused including the Petitioner. Now, the case is fixed for 11.11.2005 for prosecution evidence.

3. Counsel for the Petitioner submits that the Petitioner has been invited by Sacramento Sikh Society to attend the celebrations of Parkash Divas of Shri Guru Granth Sahib Ji which is to continue till 15.10.2005. In this regard, he refers to the Original Copy of Sponsorship Letter dated 22.9.2005, which has been placed on record as Annexure P-9. Counsel for the Petitioner submits that in this connection, the Petitioner wants to visit abroad for a short period and he is ready to furnish bank guarantee to the satisfaction of this Court with an undertaking to return back to India well before the date fixed before the trial court. He further submits that the Petitioner is facing trial in the aforesaid case for the last more than 6 years and the conclusion of trial is likely to take a long time.

4. On the other hand, counsel for the Respondent-CBI has opposed the prayer of the Petitioner on the ground that in case, the Petitioner is granted permission to visit abroad, there is apprehension that he will not return back to India to face trial. He further submits that merely for religious purpose, the Petitioner cannot be permitted to visit abroad, particularly when he is facing trial.

5. After hearing counsel for the parties, I am of the opinion that no prejudice will be caused to the prosecution, if the Petitioner is permitted to go abroad for a short period. The case before the trial court is fixed for 11.11.2005 for prosecution evidence. Counsel for the Petitioner has stated that the Petitioner will return back to India well before the date fixed and he is ready to furnish bank guarantee to the satisfaction of this Court. The Petitioner is facing trial for the last six years and is regularly attending the court after the grant of regular bail.

6. In view of the aforesaid facts and circumstances, this petition is allowed and the Petitioner is permitted to visit abroad to attend the celebrations of Parkash Divas of Shri Guru Granth Sahib Ji subject to his furnishing bank guarantee in the sum of Rs. 10 lacs with an undertaking to return back India on or before 11.11.2005, the date fixed before the trial court. Since at the time of grant of bail to the Petitioner vide order dated 5.5.2000, it was directed by this Court that the Petitioner should not get a duplicate passport from the Regional Passport Officer without the permission of this Court, therefore, it will be open for the Petitioner to apply for and obtain a duplicate passport in accordance with law. It is further directed that before going to abroad, the Petitioner will submit all the papers of the duplicate passport to the trial

court.

Petition allowed.