

(2009) 10 P&H CK 0126**High Court Of Punjab And Haryana At Chandigarh****Case No:** Criminal M. No. 29462-M of 2009

Anjal Kumar @ Angel Kumar

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision: Oct. 30, 2009

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 420

Citation: (2010) 1 RCR(Criminal) 201

Hon'ble Judges: Arvind Kumar, J

Bench: Single Bench

Advocate: P.K. Longia, for the Appellant; S.S. Mor, D.A.G., Punjab, for the Respondent

Judgement

Arvind Kumar, J.

The prayer made in the present petition u/s 482 Cr.P.C. is to quash order dated 12.10.2009 passed by the Judicial Magistrate, I Class, Kurukshetra, dismissing the application of the petitioner seeking permission to go abroad (Dubai/Abu Dhabi) for about 4-5 days, i.e. from 2.11.2009 to 6.11.2009.

2. The petitioner is facing trial in FIR No. 107 dated 17.11.2003 under Sections 420 406, 403 and 34 IPC. His plea is that since 18.12.2003 he has been appearing in the Court regularly. However, his visit is official as M/s Oswal Industries, Ambala Cantt, i.e. his employer, is sending him to participate in the Regional Sales Meeting Middle East 2009.

3. Heard.

The cardinal principle of criminal jurisprudence, as applies in this country, is that every person is innocent till proved guilty and further that the Court presumes a human being to behave normally and this presumption continues till such time it is proved to the contrary. The fundamental right or civil right cannot be curtailed only

if a criminal case is pending against a person.

4. In totality of the facts and circumstances of the case and in view the ratio laid down in *Naginder Singh Rana v. State of Punjab*, 2004 (3) RCR(Cri) 912, the order declining permission to the petitioner to go abroad does not appear to be correct. Thus, the impugned order dated 12.10.2009 is set aside. The petitioner is permitted to go abroad (Dubai/Abu Dhabi) for 5-6 days on the condition that he shall furnish security to the tune of Rs. 4 lacs with one surety in the like amount to the satisfaction of the Court concerned. On the undertaking, as mentioned above, and on furnishing the security, as is ordered to the satisfaction of the Court concerned the petitioner shall be allowed to go abroad. He is directed to return to India on 7.11.2009.

5. The petition is disposed of accordingly. Copy of this order be given Dasti, under the signatures of the Reader of this Court.