

**In the court of Ms. Mehak Sabharwal, Civil Judge Junior Division, Ludhiana.**

Satbir Singh vs Manpreet Kaur

Present: Complainant with counsel Sh. S.K Bawa, Adv.  
Accused Mewa Singh, Amarjit Kaur and Beant Singh on bail with counsel.

This order of mine shall dispose of an application filed by the applicant/accused no. 3 to 5 I.e Mewa Singh, Amarjit Kaur and Beant Singh seeking permanent exemption for appearing in the present criminal complaint. They have stated in their application that they are residents of Canada and they are earning their livelihood there and family members are also residing there. Further they have stated that accused no. 3 and 4 are also residing there. Further they have stated that accused 3 and 4 are of old age and suffering from many ailments and taking there treatments from their family doctor in Canada. He stated that applicant/accused no. 3 and 4 are residing in abroad since last 8 years and applicant/accused no. 5 is citizen of Canada and residing in Canada since 1999. However, they have stated that they are ready to appear to this court through their counsel and by filing affidavit qua the same and also ready to furnish bonds as per the satisfaction of this court.

Notice of the above application was given to the complainant who in his reply has stated that application of accused/applicant is not maintainable and liable to be dismissed as it is sheer abuse of process of law and filed to delay the proceedings of the court. He has further stated that there are chances that accused flee away from present case and avoid their conviction which is likely to be come.

Heard and considered both the counsels for contesting parties. Perusal of application filed by the applicant/accused no. 3 to 5 reveals that they are seeking permission to go abroad, however they are not specified any time frame for which they are seek permission to go and neither have specified any purpose for which they intend to go abroad. All these three applicant/accused have neither placed on record copy of their passport or visa or shown any essential purpose for which they are seeking permission. They have verbally stated that accused no. 5 I.e Beant Singh is citizen of Canada and was earning his livelihood there and seeking permission to go abroad be

granted. In my considered view the averments made by the applicant are very vague and the same are not supported by any substantiate proof/evidence. However, still if the accused/applicant no. 3 to 5 intend to go abroad/Canada. It is their fundamental right which cannot be taken/deprived of from them as the proceedings in this case shall still take their own time. However, keeping in view the facts and circumstances of the present case the present application on behalf of accused no. 3 to 5 I.e Mewa Singh, Amarjit Kaur and Beant Singh is allowed subject to furnishing/fulfilling of conditions prior to the same I.e

1. All the accused are directed to furnish their details/copy of visa and passport and their residents proof in Canada and also permanent resident proof of Canada along with proof of residents in India (as per all the conditions which have been directed to the accused no. 3 to 5 in application of complainant which is being decided simultaneously vide separate order of even date)
2. The accused shall not object the recording of evidence in his absence an his counsel will appear on each and every date.
3. Any objection due to absence of accused shall not be granted. The affidavit with regard to all the three above conditions shall be furnished accordingly.
4. The accused/applicant shall not dispute their identity at the time of leading complainant evidence and shall be represented by their counsel and shall appear on each and every date.
5. The permission is granted to accused only for a period of 3 months (90 days) and this is subject to furnishing of bank guarantee of some nationalized bank to the tune of Rs. 2 Lacs per accused/applicant no. 3 to 5 I.e 2 Lacs each for applicant Mewa Singh, Amarjit Kaur and Beant Singh.

If the accused furnish the bank guarantee by fulfilling the above said conditions in this case of furnishing these conditions, permission to leave India for a period of 90 days shall be granted to accused/applicant but this is subject to furnishing/fulfilling all the above conditions and furnishing of affidavit qua the same and also fulfilling the conditions as imposed in application decided by even order of today

which has been filed by the complainant.

For further proceedings and compliance as per said order to come up on 01.07.15. All the conditions be fulfilled by the accused/applicant with in a period of 15 days(Fifteen Days) from today.

Mehak Sabharwal

JMIC/Ldh.05.06.15