

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-12618 of 2015

Date of Decision: 27.5.2015

Gurpreet Singh

... Petitioner(s)

Versus

U.T. Chandigarh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Praveen Chander Goyal, Advocate
for the petitioner(s).

Mr. J.S.Toor, Additional Public Prosecutor
for U.T. Chandigarh/respondents.

Darshan Singh, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") has been filed with a prayer to quash the orders dated 11.4.2014 (Annexure P6) vide which the application moved by the petitioner for release of his passport has been dismissed and the order dated 4.4.2015 (Annexure P7) vide which the application moved by the petitioner for seeking permission to go abroad has been dismissed.

2. Learned counsel for the petitioner pleaded that the petitioner is a businessman having deep roots in the society. He is having sufficient properties in India. His family is also residing in India. So, there is no apprehension that he will flee away from the trial. The petitioner is in dire need to visit Germany and England for the business discussions. He contended that the presence of the petitioner before the trial Court is not required as the proceedings have been stayed by the Hon'ble Apex

Court vide order dated 5.5.2014. He further contended that the similar concession has already been granted by this Court to co-accused of the petitioner, namely Trivikram Singh Toor and Rajat Kapoor. Learned counsel for the petitioner has further contended that at the time of filing the present petition, the permission to visit abroad was sought in the months of May & June, 2015 and the present petition was filed in the month of April, 2015. But due to paucity of time, it has become difficult for the petitioner to procure visa in the short period. So the permission to visit abroad may be granted from 15.6.2015 to 15.7.2015. Thus, he pleaded that the passport of the petitioner, which is lying in the Court of the Chief Judicial Magistrate, Chandigarh may be ordered to be returned to him and he may be permitted to visit abroad for the aforesaid period.

3. Mr. J.S.Toor, Additional Public Prosecutor for the U.T. Chandigarh, on the instructions from Sub Inspector Mohinder Singh, Police Station Sector 17, Chandigarh, has submitted that the respondent/U.T. Chandigarh has no objection if the passport of the petitioner is returned to him and he is permitted to visit Germany during the aforesaid period, subject to adequate security.

4. I have duly considered the aforesaid contentions.

5. The petitioner is facing trial in case FIR No. 446 dated 23.7.2013, registered under Sections 279, 304-A, 201 & 212 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Central, Chandigarh. At the time of granting bail, the passport of the petitioner was retained. The petitioner has received an invitation to visit Germany for commercial discussion regarding installation of

concrete block making plant. Learned counsel for the petitioner has also placed on record the copy of a letter issued by TOPWERK HESS Group to the Embassy of Federal Republic of Germany, Chanakyapuri, New Delhi with respect to the aforesaid invitation. In the said letter, a request has been made to issue visa for one year. The aforesaid communication shows that the petitioner intends to visit Germany in connection with commercial and technical discussion regarding the installation of a concrete block making plant. The petitioner has not placed any latest document with respect to any such invitation for his visit to England. As mentioned above, the respondents have also no objection if the petitioner is permitted to visit abroad subject to adequate security.

6. This fact is not disputed that the permission to visit abroad has already been granted by the Co-ordinate Bench of this Court to co-accused Trivikram Singh Toor and Rajat Kapoor. There is no reason to decline the similar concession to the petitioner when he is ready to comply with the conditions imposed by this Court. This fact is also not disputed that the presence of the petitioner is also not required before the trial court for any practical purposes as the proceedings have been stayed by the Hon'ble Apex Court.

7. Thus, in view of my aforesaid discussions, the present petition is hereby allowed and the impugned orders dated 11.4.2014 and 4.4.2015 are hereby set aside. The passport of the petitioner is ordered to be returned to him under proper receipt and he is permitted to visit Germany from 15.6.2015 to 15.7.2015 for the purpose mentioned above on his furnishing the security in the sum of ₹ 10,00,000/- in the shape of

bank guarantee and the surety bonds in the like amount to be executed by a sound local surety on the conditions that the petitioner will report his arrival to the trial Court by moving a requisite application and will also surrender his passport within one week from the date of his return to Chandigarh i.e. 15.7.2015.

(Darshan Singh)
Judge

May 27, 2015

“DK”