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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2192/2015

HARSATINDER PAL SINGH HAYER & ANR Petitioners

Through Mr.Aman Lekhi, Sr. Adv.with
Mr.Ranjeet Singh, Adv.

versus

STATE OF NCT (DELHI) THR. CBI Respondent

Through Mr.Narender Mann, SPP with
Mr.Manoj Pant & Ms.Utkarsha Kohli,
Advs.
Mr.Anil Rawat (BS&FC) Insp.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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07.12.2015

The petitioners who are having their business in Australia have been asked by the CBI to surrender their passport. The petitioners are not even aware as to why they are required to give their passport. They were made to understand that the father of petitioner no.2 has been facing investigation in a case lodged by CBI for fiscal irregularities.

Learned senior counsel for the petitioner submits that seizing the passport in the first instance was incorrect as Section 102 of the Code of Criminal Procedure speaks of a procedure and conditions under which any document could be seized by an investigating agency.

Mr.Narender Mann, Special Public Prosecutor for CBI, submits that the passport after having been seized, has been sent to the passport office for necessary orders of impounding.

He further submits that during the course of investigation of the case in which the father of petitioner no.2 is involved, certain materials have been gathered whereby it appeared to be expedient for the CBI to ask for the passport of the petitioner as the CBI was apprehensive of the fact that the petitioners might evade further interrogation by leaving the territorial bounds of the country.

Mr.Aman Lekhi, learned Senior counsel for the petitioner, submits that the petitioners are ready to give an undertaking that they shall not travel abroad without seeking permission of this Court.

He further submits that there are no immediate travel plans in the agenda of the petitioners. It is submitted that petitioners have been participating and answering to all the queries put by the CBI.

Mr.Narender Mann, SPP (CBI), has submitted that for release of the passports, the petitioners have already approached the passport office. This fact was not known to Mr.Lekhi, learned senior counsel appearing for the petitioners. He, on coming to know of this fact, submits that if that be so, the petitioners would be satisfied if a direction is given to the competent authority under the Passport Act to dispose of and decide the application for release of their passport as expeditiously as possible.

This Court is conscious of the fact that the competent authority under the Passport Act which has to pass the necessary order is not a party in this writ petition.

Nonetheless since any statutory authority, as in duty bound, is required to dispose of the representations filed before them, this Court directs that if the representation of the petitioner is not yet disposed of, the same be decided, preferably within a period of one month.

With these observations, the revision petition is disposed of.
Dasti.

ASHUTOSH KUMAR, J

DECEMBER 07, 2015
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