

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.18210 of 2016
Date of decision : 17.06.2016

Amrik Singh

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Suvir Sehgal, Advocate and
Mr. Daman Dhir, Advocate for the petitioner.

Mr. Sangram Singh, Advocate for
Mr. Sumeet Goel, Advocate for respondent-CBI.

AMIT RAWAL, J. (Oral)

Petitioner-Amrik Singh son of Kulwant Singh, has sought the indulgence of this Court for release of passport with permission to go the United States of America (USA) for a period of three months w.e.f. 01.06.2016 in view of special facts and attenuating circumstances on the ground that his mother namely Bakhshish Kaur who is already residing abroad and has already undergone surgery and there is no one to look after her, and the petitioner being green card holder was already staying with her but owing to registration of the FIR, he is being tried for offence here and

accordingly, his passport has been confiscated.

Mr. Suvir Sehgal, learned counsel appearing on behalf of petitioner submits that already on earlier occasion, this Court vide order dated 03.07.2015 has granted permission to the petitioner to go abroad and he has returned back and thus there was no defiance to the order and he undertakes to come back after three months.

Mr. Sangram Singh, learned counsel appearing on behalf of CBI has filed reply and submits that there are other siblings who can take care of the mother and no reasons, much less, cogent reason has been assigned to go abroad, much less, mother has been operated, therefore was no occasion to the petitioner to go abroad.

He further submits that prior to the granting of the permission by this Court as indicated above, the petitioner had jumped the bail by going abroad and fake medical certificate was submitted for seeking indulgence of this Court and prays that application for release of the passport and permission to go abroad be declined.

I have heard learned counsel for the parties and appraised the paper book and of the view that mother of the petitioner has already undergone operation of breast cancer at Michigan USA. The petitioner is green card holder which fact is evident from the travel document (Annexure P-6) dated 09.07.2013. No doubt the petitioner has other siblings but it is only the petitioner who has to travel abroad. Mother of the petitioner has already undergone operation and the fact that the petitioner after jumping of the bail had been granted the liberty/permission to go abroad vide order dated 03.07.2015 subject to furnishing surety in the shape of moveable and

immoveable property to the tune of ₹1 crore out of which ₹50 lacs was ordered to be submitted as bank guarantee to the satisfaction of the trial Court, I am of the view that petitioner can be granted interim relief for limited purpose for visiting abroad with the permission that he has to certify to come back to the India by 15.09.2016 and move an application for informing his return.

Accordingly, petitioner is directed to visit USA and shall return by 15.09.2016. Petitioner will furnish surety in the shape of moveable and immoveable property to the tune of ₹50 lacs out of which ₹25 lacs is ordered to be submitted as bank guarantee to the satisfaction of the trial Court. The trial Court will also at liberty to impose other conditions which it deem appropriate and fit. The trial Court, on furnishing aforementioned conditions, release the passport of the petitioner for this limited purpose. On return would again surrender to deposit of the passport in the Court. In case the petitioner does not comply with the conditions, bank guarantee/surety will be forfeited without notice and the same shall vests in the Central Government.

Accordingly, petition is disposed of.

17.06.2016

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**(AMIT RAWAL)
JUDGE**