

CRM No. M-34883 of 2016 (O&M)
DECIDED ON: OCTOBER 06, 2016

HARI SHANKAR TIBREWALA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sumeet Goel, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Himmat Singh Deol, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)CRM No. 30760 of 2016

Application is allowed, as prayed for.

CRM No. M-34883 of 2016

By virtue of instant petition preferred under Section 482 Cr.P.C., petitioner has sought the quashing of order dated 26.08.2016 passed by learned JMIC, Gurgaon (Annexure P-1) pertaining to FIR No. 76 dated 23.06.2012, under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station Udyog Vihar Gurgaon as well as for directions to the respondent-State of Haryana for immediate release of passport of the petitioner and permission for foreign travel.

Undisputably, vide order dated July 13, 2016 passed by this Court in CRM No. M-20706 of 2016, petitioner was granted the concession of bail upto December 31, 2016 at the satisfaction of Chief Judicial Magistrate/Duty Magistrate. The passport of the petitioner was taken into possession by the police at the time of his arrest and at present the said passport is with the Investigating Officer. It is also an undisputed fact that petitioner has a resident visa of Dubai, whose wife and children are residing there.

Learned State counsel assisted by Mr. Himmat Singh Deol, Advocate has submitted that there is an apprehension in case petitioner is allowed to travel abroad i.e. Dubai he may not return, especially in view of the facts that he is to pay a huge amount, in respect of which he has already issued cheques. But on the basis of mere apprehension, the liberty of a person cannot be restricted.

Moreover, an interim bail has been granted to the petitioner on the basis of a settlement arrived at in between the parties.

A glance at the impugned order (Annexure P-1) transpires that mainly permission to visit abroad i.e. Dubai has been declined, as this Court is already seized of the matter by way of CRM No. M-20706 of 2016.

In view above instant petition is allowed and petitioner is granted the permission to visit abroad i.e. Dubai w.e.f October 17, 2016 to November 16, 2016, to see his wife and children. The Investigating Officer is directed to hand over the passport of the petitioner to him immediately against proper receipt but not later than by October 12, 2016.

OCTOBER 06, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*