

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

CRM No. M-12507 of 2017.

Date of Decision: 17.04.2017.

Gagan Ahuja

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Karanjit Singh, Advocate,
for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

Mr. D.K. Gupta, Advocate,
for respondent No.2-Bank.

JITENDRA CHAUHAN.J.(ORAL)

Reply on behalf of respondent No.2 has been filed in
the Court and the same is taken on record.

This is a petition under Section 482 Cr.P.C for
quashing of order dated 05.04.2017 passed by Judicial Magistrate Ist
Class, Amritsar (Annexure P-2) vide which the application moved by
the petitioner for release of his passport and permission to go abroad
has been rejected.

It is contended that the petitioner has to go to New
York to attend International Auto Show which is scheduled to be held
at The Jacob. K. Javits Convention Centre, located between 11th and 12
Avenue between 34th and 40 streets on the west side of Manhattan 655
W 34th Street New York from 14.04.2017 to 23.04.2017. Learned
counsel cites **Suresh Nanda vs. CBI 2008(1) RCR (Criminal) SC 897**

to contend that police has no power to impound the passport which power vests in Passport Authority under Section 10 of the Passport Act.

On the other hand, the learned counsel for respondent No.2-Bank states that total outstanding loan towards the petitioner is more than Rs.27 crore. The petitioner has been declared defaulter by the complainant bank as well as by other banks. Various cheques issued by him have been dishonored. The respondent-Bank has filed four complaints under Section 138 of Negotiable Instruments Act against the petitioner. That apart, several other complaints in respect of dishonour of cheque have been filed by State Bank of India, State Bank of Patiala, State Bank of Bikaner and Jaipur, Mahindra and Mahindra Financial Services etc. which are pending as on date. The premises stated to be the residence of the petitioner is in physical possession of respondent No.2 since 20.03.2017. The petitioner has failed to pay the dues and as such the bank had initiated proceedings under the SARFAESI Act against the petitioner.

Heard.

Considering the fact that various complaints under the Negotiable Instruments Act are pending against the petitioner, an amount of more than Rs.27 crore is outstanding against the petitioner, in case the petitioner is allowed to travel abroad, there is strong likelihood of his absconding from the trial, therefore, this Court is of the opinion that in such circumstance, the prayer made deserves

dismissal.

The proposition of law held in Suresh Nanda's case (supra) is not in dispute. However, the same does not advance the case of the petitioner.

Consequently, the petition is dismissed.

Anything observed herein shall not be construed as an expression of opinion on the merits of the case.

17.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No