

\$~29

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

+ CRL.M.C. 2233/2017

VIJAY SINGLA

..... Petitioner

Through: Mr.Amit Sharma, Adv. with
Ms.Aditya Bhardwaj and Ms.Meena
Khan, Advs.

versus

C B I

..... Respondent

Through: Ms.Rajdipa Behura, SPP for CBI with
Mr.Philomon Kani and Ms.Kriti
Handa, Advs.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

30.05.2017

This is a petition under Section 482 Cr.P.C for setting aside the order dated 24.05.2017 passed by learned Special Judge, CBI-05, Patiala House Court, New Delhi.

Learned counsel for the petitioner has submitted that the failure of the petitioner to surrender his passport was a genuine mistake and the petitioner had himself brought this fact to the knowledge of the learned Special Judge which shows the bonafide of the petitioner. He further submits that the learned Special Judge while passing the impugned order dated 24.05.2017 failed to appreciate that the petitioner was granted permission to travel abroad several times in the past and the petitioner has never misused the liberty granted to him and the petitioner has always strictly complied with the conditions imposed by the learned Special Judge while granting permission to travel abroad. He has further submitted that the petitioner could not deposit the passport due to bonafide mistake and hence tendered

unconditional apology which was not accepted by the learned Special Judge. He further submits that the impugned order dated 24.05.2017 passed by the learned Special Judge, CBI-05, Patiala House Court, New Delhi in CC No.03/2013 be set aside. He further submits that the application dated 22.05.2017 be allowed and the petitioner be permitted to travel abroad and the passport of the petitioner be released.

Ms.Rajdipa Behura, learned SPP for CBI has vehemently opposed the submissions made by learned counsel for the petitioner. She has further submitted that there is no infirmity in the order passed by the Trial Court on 24.05.2017 and the impugned order does not require any interference by this Court.

Looking into the facts and circumstances of the case, since the petitioner has tendered unconditional apology before the learned Special Judge and the petitioner has never misused the liberty granted to him earlier while granting permission to travel abroad, I deem it appropriate to set aside the impugned order dated 24.05.2017 and the matter is remanded back to the Trial Court with the directions to consider the matter in controversy afresh; on moving fresh application by the petitioner before the Trial Court.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 30, 2017/sr