

Sr. No.114

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

**CRM-M-53425-2018
Date of decision:7.12.2018**

Sadashiv B.Shekhar

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl.AG,Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking direction allowing/granting permission to the petitioner to travel abroad for his business/professional commitments; in view of the conditions imposed while granting anticipatory bail vide Order dated 02.04.2018.

Learned counsel for the petitioner contends that the only allegation against the petitioner is that; earlier petitioner was working as a Technical Advisor in the Complainant company, namely, JCBL. However, while leaving the Company, petitioner had also taken some designs and drawings of bus body fabrication; which were intellectual property of the complainant company.

However, this Court had granted anticipatory bail to the petitioner vide Order dated 02.04.2018. But under that Order, passed by this Court, the petitioner is restrained from going abroad except with the permission of the Court. Now the petitioner has to go abroad; in connection

with his business assignment. Therefore, present petition has been filed by the petitioner for seeking permission to go abroad.

In support of his prayer, learned counsel for the petitioner has contended that at present, petitioner is working as Global Head (Automotive); in the company named M/s Enlivening Technology Pvt. Ltd. This company has been engaged by the Government of Telengana for providing Bullet Proof Vehicles. Therefore, the petitioner has to travel abroad for this assignment; to Australila and United Kingdom; along with the Inspector General of Intelligence of the State of Telengana. Besides this, the same company is also having an assignment from the Government of Philippines; for providing the Bullet Proof Vehicles. In connection of that assignment as well, the petitioner would be required to travel to Philippines. To support his contentions, learned counsel for the petitioner has produced a '*Purchase Order*' issued by the Telengana State Road Transport Corporation; dated 27.07.2018, addressed to the Company where the petitioner is working. Hence permission to go abroad is required. Highlighting the urgency involved in the case, learned counsel for the petitioner has submitted that the petitioner is required to travel abroad on 08.12.2018 itself.

Notice of this petition was given to the State.

After appearance, the State counsel had sought time to seek instructions from the Investigating Police in this regard. However, no reply has been filed by the State in this case.

Today, learned State counsel being instructed by, ASI Shiv Charan Singh, submits that the investigation of the case is going on. However, challan has not been filed in the case. Still, if the petitioner is to

be permitted to travel abroad, then the petitioner be put to heavy surety; to ensure that he does not flee from the process of the Court.

Having considered the submissions of the counsels, this Court finds that FIR is of the year, 2017. More than one year has passed since then. However, Police have not completed the investigation till now. It would not be justified to deprive the petitioner of his business opportunities; despite the fact that petitioner has already been released on anticipatory bail by this Court.

Accordingly, it would not be unjustified if the petitioner is permitted to travel abroad; by putting him to furnish suitable sureties.

In view of the above, the petitioner is permitted to travel abroad till 31.01.2019. However, this permission is subject to the petitioner furnishing sureties for an amount of Rs.10 lakhs; before the Chief Judicial Magistrate, Mohali.

Disposed of.

A copy of this Order be handed over to the learned counsel for the parties under the signatures of the Bench Secretary of this Court.

7th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*