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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 632/2019 & CrI.M.A. 2634/2019**

NARESH KHARB

..... Petitioner

Through: Mr. Archit Kaushik, Mr. Shashank &
Mr. Ayush Srivastava, Advs.

versus

STATE

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Pramod, PS Moti Nagar
& Insp. Afsar Raja, PS EOW.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.02.2019

The petitioner is facing prosecution in criminal case arising out of FIR no. 152/2011 under Sections 406/409/420/467/467/471/120 B and 34 IPC and Sections 3, 4 and 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 of police station Moti Nagar, he being presently on bail in terms of the directions in the order dated 13.11.2014 of this court on his bail application no. 1660/2014 whereby similar applications of the co-accused were also decided. While directing his release on bail, amongst other conditions, the learned Judge passing the said previous order had imposed conditions including to the effect that the petitioner would not leave the country without prior permission of the trial court and that he would surrender his passport. The passport was accordingly surrendered to the trial court where the bail bonds were presented for acceptance. It is stated that the validity of the passport of the petitioner has since expired and he needs

to get it renewed and for such purposes he requires its temporary release. The petitioner had approached the Special Judge (Prevention of Corruption Act) for such relief but the said prayer was not granted, his application being dismissed by order dated 18.08.2017 on the ground such prayer has to be made to this court only.

Against the above backdrop, the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) has been filed seeking release of the passport for renewal purposes only.

To say the least, the view taken by the Special Judge by the order dated 18.08.2017, amounts to abdication of responsibility. The condition that the petitioner would not leave the country without permission of the trial court does not mean that he cannot have his passport revalidated during the interregnum. There is nothing in the order dated 13.11.2014 wherein direction to surrender of the passport inhibits its temporary release for reasons as stated.

The trial court is directed to release the passport of the petitioner against appropriate *supurdginama* conditions for requisite period to enable him to get the same renewed he being duty bound to return it in terms of the earlier directions for its surrender.

The petition and the application are disposed of with these directions.

Dasti.

R.K.GAUBA, J

FEBRUARY 05, 2019

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