

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

274

**CRM-M-2150-2019 (O&M)
Date of Decision : 23.1.2019**

Utkarsh Pahwa

....Petitioner

vs.

Assistant Director (PMLA), Directorate of Enforcement

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. K.S. Nalwa, Advocate
for the petitioner.

Mr. Arvind Moudgil, Senior Panel Counsel,
Government of India.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C for quashing of the impugned order dated 2.1.2019 whereby an application for permission to go abroad i.e. Bangkok (Thailand) from 25.1.2019 to 28.1.2019 (four days) and Turkey from 8.2.2019 to 9.2.2019 (for two days) to attend the wedding ceremonies of his childhood friends has been dismissed.

Learned counsel for the petitioner has stated that the present petitioner had been released on bail vide order dated 29.9.2018 in a complaint case filed by the Directorate of Enforcement for commission of offence u/s 3 punishable under section 4 of Prevention of Money Laundering Act, 2002 by the Court and in response thereof the requisite bonds had been furnished by the petitioner. He has further stated that

marriage of his childhood friends was to be solemnized in Bangkok (Thailand) and Turkey and hence the petition for permission to go abroad had been filed in view of the condition imposed in the order for bail application of the petitioner.

Learned counsel for the respondent has argued that in case the petitioner is granted permission to go abroad, there was likelihood of his absconding and therefore the petitioner be not granted permission to go abroad and hence the prayer for dismissal of the petition was made.

The argument of learned counsel for the petitioner was that the petitioner was well settled having his financial status in the shape of liquid assets and the immovable properties in India and the marriage of the childhood friends of the petitioner was being solemnized in Bangkok (Thailand) and Turkey for which he intended to visit abroad for attending the marriage functions and that the petitioner was prepared to abide by the conditions to be imposed by the court for grant of the permission to go abroad. In support of the argument, learned counsel for the petitioner relied upon the judgment of this Court passed in the matter of **Paramjit Kaur vs. State of Punjab CRM-M- 41608 of 2018** decided on 28.9.2019. Counsel for the petitioner has stated that he has placed on record copy of invitation card (Annexure P-8 and Annexure P-9), copy of income tax return filed by him as Proprietor of M/s Shine Impex, 181, Industrial Area-A, 2nd Floor, Dua Complex, Ludhiana for the assessment year 2018-19 (Annexure P-2) and the balance sheet as on 31st March 2018 (Annexure P-3).

The law governing the question of grant of permission to the

petitioner for travelling abroad during the pendency of the trial has been elaborately discussed by this Court in authority of **Paramjit Kaur vs. State of Punjab's case (supra)** in which reliance was placed on **Srichand P. Hinduja Versus State through CBI, New Delhi 2002(3) RCR (Criminal) 186 (SC)**, **Arun Kapoor vs. State of Haryana 2004(4) RCR (Criminal) 594 (P&H)**, **Brij Bhushan Singal vs. Central Bureau of Investigation 1994(3) RCR (Crl.) 498 (P&H)**, **Anjal Kumar @ Angel Kumar vs. State of Punjab 2010(1) RCR (Criminal) 201** and **Naginder Singh Rana vs. State of Punjab 2004(3) RCR (Criminal) 912** and on the basis of the said authoritative pronouncements of the Hon'ble Apex Court and this Court, it can be safely concluded that in normal circumstances, permission can be granted to the petitioner to travel abroad being his fundamental right to travel abroad, but the conditions are to be imposed for regulating and securing his presence during the trial.

Keeping in view the said ratio of the aforesaid authority of **Paramjit Kaur vs. State of Punjab's case (supra)**, which is applicable to the facts of the present case, in which also the permission has been sought by the petitioner to travel abroad for a short duration for attending the marriage ceremony of his childhood friends and the supporting documents have also been placed on record, I grant permission to petitioner Utkarsh Pahwa to travel abroad for attending the marriage ceremony of his childhood friends Jay at Bangkok during the period from 25.1.2019 to 28.1.2019 and marriage ceremony of Medha Alhuwalia at Turkey from 08.2.2019 to 09.2.2019 subject to following conditions:-

(i) that the petitioner shall not seek extension of the period of his stay abroad at any ground whatsoever except in case of medical emergency and shall return to India from 1st trip by 29.1.2019 and by 10.2.2019 from the second trip.

(ii) that the petitioner shall not visit any other country except Thailand and Turkey.

(iii) that the petitioner shall not in any manner tamper with the evidence of the prosecution;

(iv) that the petitioner shall submit copy of his passport before visit and on return, within one week shall produce his passport in the court for placing on record its copy in respect of his said visit record;

(v) that the petitioner shall execute FDR/bank guarantee to the tune of Rs. 40 Lacs. This amount shall be returned to the petitioner when he will come back from his trips.

Resultantly, petition is allowed in the above terms and the impugned order dated 2.1.2019 is set aside.

Since the main case has been decided, the pending CM, if any, also stands disposed of.

23.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No