

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.

CRM-M-25634-2019

Date of decision: January 23, 2020

Grace Pinto

....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

II.

CRM-M-23639-2019

Dr. Augustine Pinto

....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. Arshdeep Singh, Advocate for the petitioner.

Mr. Sumeet Goel, Standing Counsel for the C.B.I.

Mr. Sushil K. Tekriwal, Advocate for
Mr. Anupam Singla, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

By this order, CRM-M-25634-2019 and CRM-M-25639-2019 shall stand disposed of.

Prayer made by counsel for the petitioner is for modification of the order dated 21.11.2017 passed by this Court vide which both the petitioners were granted the concession of anticipatory bail. The order granting anticipatory bail to the petitioner read as under :-

“18. As a result of my above discussion, I find merits in both the petitions and the same are allowed. Order dated 7.10.2017 granting interim bail to the petitioners is made absolute, till the presentation of challan, subject to the

following terms :-

- (i) that the petitioners shall make themselves available for interrogation by the investigating agency as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to investigating agency;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seeks regular bail on the presentation of challan in Court.”

The prayer in this application is to modify condition No.(iii) directing that the petitioner shall not leave India without prior permission of the Court.

Counsel for the petitioner has submitted that on an earlier occasion similar application filed by similarly placed other co-accused was allowed. However, the complainant filed Criminal Appeal No.1618 of 2019, wherein the Hon’ble Supreme Court has set aside the said order by passing the following order on 21.10.2019:-

“10. Having regard to the above, this Court is of the opinion that the impugned order cannot be sustained; it is accordingly set aside. The condition originally imposed upon the respondent as a part of the order granting anticipatory bail to secure prior permission before travelling abroad is hereby restored. At the same time, the trial Court is enjoined and directed to deal with the application seeking permission, whenever

made, as expeditiously as possible and in any case, ensure that orders are made within one week of filing it (i.e. application seeking prior permission). It goes without saying that such orders shall be made after considering the view of the CBI and taking note of relevant factors, and at the same time, ensuring that reasonable period before undertaking the travel is also given.

11. The appeal is allowed in the above terms.”

Counsel for the petitioner has submitted that these petitions be disposed of in same terms and conditions, with liberty to the petitioner to approach the trial Court to move an application seeking permission for travelling abroad as and when required.

Accordingly, these petitions are disposed of in terms of order dated 21.10.2019 passed by Hon’ble the Supreme Court of India.

However, liberty is granted to the petitioners to approach the trial Court to move application as and when required and it is expected that the trial Court will decide the same within one week of filing, in terms of the order dated 21.10.2019 passed by the Hon’ble Supreme Court in Criminal Appeal No.1618 of 2019, arising out of SLP (Criminal) No.9873 of 2019.

January 23, 2020
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No