

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35776-2019 (O&M)

Date of decision: 17.01.2020

Shivam Seth

... Petitioner

Vs.

Central Bureau of Investigation, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjeev Duggal, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing counsel
for the respondent-CBI.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for granting permission to the petitioner to travel abroad, while during pendency of FIR No.RCCHG2015A0002/2015 dated 15.01.2015 under Sections 120-B, 420, 467, 468, 471 IPC and Section 13 (1) (G) read with Section 13 (2) of Prevention of Corruption Act, registered at Police Station CBI ACB, Chandigarh.

Learned counsel for the petitioner submits that the trial Court, while passing the order dated 10.01.2019, has neither noticed that the purpose, for which the petitioner wants to go abroad, is to explore the possibility of expansion of his business nor has taken into consideration that the petitioner has cleared the personal liability towards Bank of Baroda, as per the certificate issued by the Bank dated 15.05.2019, vide which, on payment, certain

properties of the petitioner were released as well as resolution of the company.

Learned Standing counsel for CBI has, however, submitted that the itinerary relied upon by the petitioner was relating to the months of January, 2019 and October, 2019 and since the time has lapsed, the petitioner may apply afresh before the trial Court with his new itinerary to visit abroad and also to implead the Bank as party, so that the trial Court may verify the outstanding liability against the petitioner.

In view of the above, the order dated 10.01.2019 passed by the trial Court, declining the application of the petitioner for grant of permission to travel abroad, is set aside. The petitioner is granted permission to file a fresh application along with supporting documents.

The trial Court is directed to decide the said application within a period of 30 days from the date of its filing and by further giving a notice to the concerned Bank.

In case, it is found that the petitioner has cleared his liability, the Court may pass appropriate order on such terms and conditions it may deem fit, to allow the petitioner to travel abroad.

Accordingly, the present petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No