

254

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

**CRM-M-50382-2021
Date of Decision: 07.12.2021**

SUJJAN SINGH

...Petitioner

VERSUS

CBI, SCB, SECTOR-30, CHANDIGARH

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate &
Ms. Eknoor Kaur Sara, Advocate
for the petitioner.

Mr. Sumeet Goel, Sr. Advocate with
Mr. Rajeev Anand, Advocate and
Mr. Sangram Singh, Advocate
for the respondent-CBI.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 22.11.2021 passed by the learned Special Judge, CBI Court, Chandigarh in case FIR No.RC0512021S0005 dated 26.10.2021 under Section 120-B read with Section 420 of the IPC and Section 13(2) read with (1) (d) of the PC Act, 1988 pertaining to CBI, P.S. SCB Chandigarh, vide which the application filed by the petitioner seeking permission to leave India to take up his job in Dubai stands dismissed.

Learned Senior counsel for the petitioner submits that the petitioner is presently working as a Golf Coach at Dubai Sports City, Dubai and as per the allegation in the FIR, the petitioner holds 10 equity shares in the company i.e. International Mega Food Park Ltd. and the equivalent

value of the shares is almost negligible.

Learned Senior counsel for the petitioner further submits that it is the case of the CBI that the petitioner stood as a personal guarantor to his father, who is one of the Directors of International Fresh Farms Products Ltd. and is not a borrower of the complainant-Bank.

Learned Senior counsel for the petitioner further submits that as per the consultancy agreement dated 26.07.2018, the petitioner is in employment in Dubai Sports City till 09.12.2021 and has to go back to Dubai for the purpose of extension of his agreement, failing which, he will lose the job permanently.

Learned Senior counsel for the petitioner further submits that the petitioner has joined the investigation as called by the Investigating Officer and has given an undertaking that he will not leave India without his prior permission.

In pursuance to the notice under Section 41-A of the Cr.P.C. by the CBI, the petitioner on 10.11.2021 has given the following undertaking:-

“I will not leave India without the permission of the competent Court in this case and will appear as and when called by the Investigating Officer of the case.”

Learned Senior counsel for the petitioner further submits that the petitioner is ready to give any undertaking in this regard that he will appear before the Investigating Officer or before the Court within a period of two weeks, as and when he is directed by the CBI or the Court to appear.

Reply on behalf of the CBI is filed in Court today and as per the reply, the prayer of the petitioner is opposed on the ground that in case the petitioner is granted permission, he is likely to abscond and may not join

the proceedings. It is further stated that the FIR was registered on the basis of the complaint dated 30.06.2021 given by Sh. Pankaj Kumar Sahu, Deputy General Manager, Small Industries Development Bank of India (SIDBI), Sector-17-B, Chandigarh with the allegations that the Promoters/Directors of M/s International Fresh Farm Products India Ltd. entered into a criminal conspiracy with Sujjan Singh (petitioner), who is the guarantor and Smt. Nanki Singh, another guarantor, Sh. Devender S Jaaj & Company, CA and Egan & Associates, another CA for committing the offence of cheating and caused wrongful gain for themselves and wrongful loss to the Bank to the tune of Rs.11 crores. It is further stated that the investigation is at the initial stage and the presence of the petitioner is required to unearth his role in conspiracy with the other accuses persons in commission of the offence.

It is also stated that the offence is of serious nature and therefore, there is every likelihood that the petitioner, if granted permission may abscond and will not join the investigation or the Court proceedings.

In reply, learned Senior counsel for the petitioner has argued that the petitioner is an Indian citizen and is working in Dubai on work permit as per the agreement as a Golf Coach and will return back as and when required.

Learned Senior counsel for the petitioner further submits that the dispute is about a loan of Rs.11 crores, for which, the Promoters/Directors have already mortgaged 26 acres of the factory land as well as 08 kanal house in Sector-5, Chandigarh and therefore, the interest of the complainant-Bank is fully secured.

After hearing learned counsel for the parties, the present petition is allowed. The impugned order dated 22.11.2021 passed by the

learned Special Judge, CBI Court, Chandigarh is set aside subject to the following conditions:-

a) Petitioner will furnish two sureties, out of which, one surety will be of a member of the family that petitioner will return to India as and when asked by the CBI.

b) Petitioner will also handover an FDR of Rs.5 lacs with an additional undertaking that if the petitioner, on the asking of the CBI or the Court fails to appear and return back to India, the said amount shall stand forfeited to the State.

It is also made clear that as and when, the CBI moves an application before the Special Judge or the Special Judge, CBI Court, Chandigarh passes an order, the petitioner will appear within a period of two weeks before the Court/Investigating Officer for further proceedings.

The petitioner will furnish his E-mail id, his mobile number in India as well as in Dubai so that, he can be contacted, along with his complete address, where the petitioner will be working and residing in Dubai.

Considering the fact that the petitioner is to leave for Dubai tomorrow by 9 A.M., liberty is granted that the father of the petitioner will complete all the formalities within a period of one week from today.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

07.12.2021
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No